REAUTHORIZATION OF THE DISCRETIONARY PROGRAMS UNDER THE EDUCATION OF THE HANDICAPPED ACT

HEARINGS

BEFORE THE

SUBCOMMITTEE ON SELECT EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES

NINETY-NINTH CONGRESS

FIRST SESSION

HEARINGS HELD IN BOZEMAN, MT, ON AUGUST 27; WASHINGTON, DC, ON OCTOBER 22 AND 23, AND IN HONOLULU, HI, ON NOVEMBER 26, 1985

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REAUTHORIZATION OF THE DISCRETIONARY PROGRAMS UNDER THE EDUCATION OF THE HANDICAPPED ACT

TUESDAY, AUGUST 27, 1985

House of Representatives,
Subcommittee on Select Education,
Committee on Education and Labor,
Bozeman, MT.

The subcommittee met, pursuant to notice, at 1 p.m., in room 276, Strand Student Union Building, Montana State University, Bozeman, MT, Hon. Pat Williams presiding.

Members present: Representatives Williams and Bartlett.

Staff present: Celinda Lake, majority legislative associate, and Bob Silverstein, majority counsel.

Mr. Williams. Welcome to this first in a series of hearings of the Subcommittee on Select Education, the holding on the reauthorization of the discretionary programs under the Education of the Handicapped Act and the delivery of special education services to handicapped children in rural States and communities.

Many of you are familiar with part B of the Education of the Handicapped Act, more commonly known as Public Law 94-142. Part B, which is celebrating its 10th anniversary this November, is the section which allocates more than $1 billion of Federal assistance to States in their efforts to provide a free, appropriate public education to all handicapped children.

The discretionary programs we are examining today, which need to be reauthorized before September 30, 1986, are an essential source of support to the special education and related services provided to the 4 million handicapped children receiving services under Public Law 94-142.

These discretionary programs provide approximately $155 million of assistance to State and local education agencies, other public agencies, private nonprofit organizations, and institutions of higher education to support a variety of programs, such as: centers and services to meet the special needs of the handicapped, including regional resource centers, early education programs, secondary education programs, transitional services, and postsecondary programs; training of special education personnel and parents; dissemination of information; research on effective ways to provide services; and timely instructional media.

During the next several months, we will be hearing both oral and written testimony from parents, students, Federal, State, and local administrators, and researchers.

Based on that testimony, it will be our goal to craft a comprehensive proposal for the reauthorization of the discretionary programs under the Education of the Handicapped Act.

Mr. Bartlett.

Mr. BARTLETT. Thank you, Mr. Chairman.

I appreciate this opportunity to be in Montana for this hearing. As I stated earlier, I think in many ways these are so much more helpful than any of the hearings we have had in Washington, because I think the answers both in education areas and education of the handicapped areas and other areas tend to be here rather than in Washington, DC.

This hearing on the Education of the Handicapped Act has, in fact, two topics or two parts, first is the 94-142, the basic State grant act, which is the State grant with State mandates, the essential civil rights for handicapped students in this country; and second, there is the discretionary program.

The discretionary program is specifically up for reauthorization since 94-142 is permanently authorized. I would hope during the course of the hearing we will talk about the discretionary program, and we also solicit and obtain testimony and viewpoints on the basic Act itself, or on part A, 94-142.

First, on the discretionary programs, I will be looking for witnesses, and we have an exceptional group of panels, to offer suggestions for both prioritizing suggestions, which of the discretionary programs in your judgment need to be increased, which could be—could be done less of, what improvements could be made in the discretionary programs, and specifically I will be looking for prioritizing kinds of suggestions, which are more important than others given the latter part of the 1980's.

Some of the improvements we made and some of the changes we made in 1983, the last time the discretionary programs were reauthorized, included the extension of eligibility for preschool, we expanded the evaluation, and data collection, annual reporting requirements.

If anyone is familiar with those new annual reporting requirements, I would like to have some comment on whether that was an improvement or, in fact, not an improvement.

We emphasized indirect services for deaf-blind children. We required a 90-day comment period for regulations issued under part B of the Education of the Handicapped Act. We reestablished the Advisory Committee on Education of the Handicapped.

We authorized two new grant issues, one for transitional programs for handicapped use, and the other for parent information. If anyone has any knowledge on how well or not well those programs have worked, I think it would be helpful.

In addition to that, I would hope that the witnesses could focus on barriers, and in particular those specific and special barriers that exist in rural areas, whether it is resource barriers or primary service delivery problems, personnel recruitment or retention, or staff development, or just simply geography.

I think one of the difficulties we have with the Act is there is no standard definition, for example, whether a school district is rural or not. I hope we get some testimony on what a standard definition might be.

As we go through the hearing, I would hope that we could also take a look at 94-142 itself. It is now a decade old. It is the basic civil rights act for handicapped students. It will not be repealed, nor should it be.

I would hope that Congress is now ready after a decade to look at the Act with some maturity, and understand it wasn't chipped in stone, it wasn't sent down in stone tablets from Mount Sinai. If there are ways to improve 94-142, we ought to look at it.

There have been suggestions of improvement in the area of discipline. Others, definition of medical versus education, which is one of the constant turmoils, and Congress has largely abdicated that responsibility, and has said the definition is going to be whatever the court says it is going to be at that particular time.

There is a current controversy over payment of attorneys' fees whether at the court level or administrative level, and other things.

One last thing, I would like to get your opinions and views on what happens when we leave school. We now are creating an enormous opportunity, it is not a problem, it is an opportunity, for some 15,000 young people a year as they leave school. We have yet to develop those systems in which they can move into the complete world of employment and lead fully productive and independent lives, and I would like your suggestions on that kind of transition, what we could do better, what we could do differently.

Thank you, Mr. Chairman.

Mr. WILLIAMS. Before we call our first panel, let me say that I, at least, have some time constraints this afternoon. I need to be in Washington early tomorrow morning. That means I have to depart from Bozeman on a flight that leaves here just after 3.

So, we want to move in a prudent manner. We want to hear from everyone. We will try to move along. If we don't finish before I have to leave, Steve will chair the remainder of the hearing. However, I am hopeful to hear from everyone myself. Thus, I ask you to keep your testimony within reasonable bounds. If it begins to over 10 minutes or so, I will tap the gavel lightly and we can move on.

We have with us assistant superintendent for special services, Judy Johnson, representing Ed Argenbright, the superintendent of public instruction in Montana. Joining Judy is Gail Gray, director of special education in the same office.

Gail and Judy, if you will come forward.

STATEMENT OF JUDY JOHNSON, REPRESENTING ED ARGENBRIGHT, SUPERINTENDENT OF PUBLIC INSTRUCTION, STATE OF MONTANA, ACCOMPANIED BY GAIL GRAY, DIRECTOR OF SPECIAL EDUCATION, STATE OF MONTANA

Ms. JOHNSON. Congressman Williams, Congressman Bartlett, you may be the first person that has ever forgotten Gail Gray's name.

Mr. WILLIAMS. You notice I didn't forget it for long.

Ms. JOHNSON. Wise move.

We are very happy to have you and Congressman Bartlett here in Montana. We appreciate your holding these hearings in what we consider a very rural State. In a way, I speak not only for the State of Montana, but what are called the floor States, which have some very unique problems.

Even though our ruralness is somewhat similar to Texas, the amount of money we get is not, and that, of course, also gives us some problems.

I think there is no question whatsoever that Public Law 94-142 has had a tremendous impact on what has been happening with the education of the handicapped kids throughout Montana and certainly throughout the Nation.

We continue, of course, to see our courts doing interpretations of Public Law 94-142. I am not sure that that will end tomorrow, and often we get caught between the court ruling and the congressional mandate, but hopefully Congress will keep up with what the courts are doing.

I want to comment specifically on a couple of aspects of part A and B of the Act before we go into the discretionary programs. Section 607, the architectural barrier removal, has been recently authorized. There is not very much money available within that program.

We continue to try and figure out what Montana's appropriation might be. I am certain that Montana is not unique in the fact that many of our school buildings are very, very old.

It appears that Montana will receive about $150,000 to remove the barriers. I guess, perhaps, it would be wise for Congress to look at some of those architectural barriers and the amount of money that is put into that particular aspect of the Act.

Another is section 611. For about the last 5 or 6 years, the administrative costs of special education have been funded at the same $300,000, which is what a floor State gets. We are not in the category of getting the 5 percent. Consequently, we have not had any increase whatsoever in the administration of the special education program. We certainly have had a lot more mandates. The larger States, which are on the 5 percent, of course, have an increasing amount of administrative money year after year, and I would certainly urge Congress to take a look at either raising that cap a little bit, because the mandates continue to grow for us.

The larger States continue to get more money for the program, while those of us in Montana, North Dakota, South Dakota, Wyoming, Vermont, have maintained and tried to maintain the same amount of money for the last 5 years. Those are a couple of sections.

You did comment, Mr. Bartlett, on the data collection. Reviewing the data collection is the worst thing that has happened to handicapped kids since pre-94-142. It is the greatest request for data we have ever received from any Federal program.

Now, I don't know what you are going to do with that, and I will be very candid with you, we were afraid to send it to the schools this year. We are in the business of educating children, I think both at the State and at the local level, and that is what we are asking them to do at the local level, is educate kids.

The data collection requirements will not only cost the school districts time and energy and, frankly, finances, but it is also going to cost the State a great deal of money just to get the data requests going.

I think in doing this, we have also just gone through a Federal monitoring that has also required the districts to all get their annual reports up, and our fear is that we are going to face a change in attitude in the districts, from one of cooperation and understanding to one of concern and reluctance, and there was some concern and reluctance when 94-142 first came, partly because of the paper barrage.

I think we need to see some modifications to effect a reasonable data collection, and one that will meet the needs of Congress and the Department of Education, and also the needs of our school districts, who can perhaps utilize the data they collect.

We are having a little trouble, I think, in Montana, explaining why you want all that data. Those are the major concerns I think we have with A and B in Montana.

Montana receives approximately $3 million. The legislature supports the Montana special education program at about $29 million this year. At over $51 million for the biennium.

_The Regional Resource Center serving Montana has really been successful in meeting the requirements of the Act, and has become an extension of the Office of Public Instruction. The center and its network of centers provides timely consultation and technical assistance and training to the State, and, I think, that is a very viable part of a very rural State to have that kind of a regional center available to us.

We are finding on section 622 that the services provided to the blind are compatible to those provided to other kids. We would like to see that particular portion a little more flexible.

In a rural State such as Montana, we do not have all that many pediatricians or physicians or teachers to serve basically the same population the severe and profoundly multiply handicapped student and the deaf-blind. We are using the same people, we are training the same people, the kids are all in the same school system. It gives us more flexibility to reach more people with a program.

Section 623 contains a statement "as much as feasible, programs shall be geographically disbursed throughout the Nation in urban as well as rural areas." It seems appropriate that that statement should be entered into all the discretionary programs. I think there is a real tendency when they are awarding discretionary grants to overlook the rural areas and the unique needs of the rural area. That is not part of the entire section on discretionary programs.

As you heard Maggie and some of the others testify earlier, the transition of secondary education of the handicapped has really been something that we have been looking forward to because we are small, everybody knows everybody, and you can get on the phone. I can see it as a definite advantage to that transition. In moving our kids, we cooperate both with the legislature, certainly, and vocational rehabilitation, and those sections know how many kids are coming. We have that kind of thing going on within the local area.

Training of personnel for the education of the handicapped, again, that is probably one of the areas where some kind of provision should be made so that every State receives financial assistance, and they do not. That is a competitive grant. Appropriate language should authorize a grant through the State education system of each of the States. We are extremely dismayed, Congressman Williams, Montana did not receive any training money this year at all.

Special problems are encountered in other States, or in Montana, and other States, certainly, where training institutions are located much closer to the population. We don't have that in Montana.

Of course, the need for updating is critical. We bring a lot of people into the State to do our updating. Because of our many, many miles, we try to accomplish this as close to the teachers or parents, employment site, as we possibly can.

I also think that it is critical that the Department of Education consider the needs within a State and not randomly just select a grantee without securing some kind of verification from a State agency. That seems to happen every now and again, someone turns up with a grant, we don't know about it, we didn't hear about it until the regional office sends out their printout.

That concludes my testimony. We prefer to answer some questions. Gail has all the answers, and I know how to read, and that is kind of how we work.

[The prepared statement of Judy Johnson follows:]

THE OFFICE OF PUBLIC INSTRUCTION,
Helena, MT, August 21, 1985.

To: Subcommittee on Select Education, Committee on Education and Labor, U.S. House of Representatives.

From: Ed Argenbright, State Superintendent.

Re: Testimony on the Reauthorization of Parts C, D, E and F of the Education of the Handicapped Act.

Chairman Williams and members of the subcommittee, It is significant that on the 10th anniversary of P.L. 94-142, Congress is seeking input on the reauthorization of the discretionary programs of the Education of the Handicapped Act. There is no question that P.L. 94-142 has had a tremendous impact on the education of handicapped children and youth throughout our nation. Because states and local education agencies have established their own guidelines, there are wide variations among all provisions of the law. There are differences in who is identified, how they are evaluated, where they are placed and what services they receive. These variations are not the result of conscious efforts to deny access to special education and related services. We continue to see the courts making interpretations of P.L. 94-142.

Many of the controversial issues have developed because the costs of special education and related services are greater than those of regular education. Traditional research efforts have not been conclusive in demonstrating the cost benefits of special education. We must continue to address the humanitarian concerns and social investments for our handicapped children and youth. These students leave our schools and enter society, and well-spent funds aid in this transition. We must take active steps to ensure that these emerging citizens do not become the future's economic and social burdens. The discretionary programs of the Education of the Handicapped Act can help us in the total development of our handicapped children and youth. The State of Montana and local school districts have continued to provide major financial support to the education of handicapped students. This support has been far greater than the federal government appropriation. Through the discretionary programs, the unique needs of the handicapped are dealt with from a national perpective.

This testimony is provided from the perspective of a state with a relatively small population and a large geographic area.

Before I comment on some specific aspects of the discretionary programs, I have three observations on sections under Parts A and B of the Act.

Section 607. Throughout our state, there are many schools with older buildings which pose architectural barriers. Financial assistance is required to remove these barriers.

Section 611. Montana strongly supports the amendment to raise the cap of $300,000 for administrative costs. Small population states are operating under an extremely difficult situation imposed by the $300,000 administrative cap. Additional financial assistance is required to effectively carry out the responsibilities of the Act. Large population states may use up to five percent (5%) for administration of the total amount of the funds received under Part B of the Act, and these amounts have increased yearly.

Section 618. The new special education annual data report requirements for FY 1985 and thereafter require us to shift a large share of the collection burden to our local education agenices. This is the greatest request for data that we have sought from our local districts. We are facing a change in attitude of the districts from one of cooperation and understanding to one of concern and reluctance. Modifications are needed to effect a reasonable data collection system which meets the needs of Congress and the Department of Education.

The following comments address "Part C-Centers and Services to Meet Special Needs of the Handicapped."

Section 621. The Regional Resource Center serving Montana has been successful in meeting the requirements specified in the Act. The center, with its network of other centers, provides beneficial and timely consultation, technical assistance and training to our state educational agency.

Section 622. We are finding that the services provided to the deaf-blind are compatible with those provided to other children and youth who are severely handicapped. The flexibility to allow these additional children and youth to be served under this section would benefit our state. In states with small populations, personnel resources, ranging from physicians to teachers, are extremely limited.

Section 623. This section contains a statement "(3) As much as feasible, such programs shall be geographically dispersed throughout the nation in urban as well as rural areas." This statement is appropriate for all discretionary programs. There appears to be a tendency to overlook the rural areas and their unique needs. Needs of handicapped children and youth which can be assisted through discretionary programs are usually distributed throughout the geographic regions of our nation.

Section 626. I strongly support the intent to address the development and improvement of secondary education and transitional services for handicapped youth. This area, which necessitates close coordination and cooperation of many governmental agencies, is worthy of increased emphasis.

Now addressing "Part D—Training Personnel for the Education of the Handicapped."

Provisions should be made in Part D of the Act to ensure that each state would receive financial assistance. Appropriate language would be similar to that of Section 623(b)(1) which authorizes a grant to each state through the state education agency or other state agency. Special problems are encountered in Montana and other states where training centers are located far from the areas where personnel need training. The need for updating skills is critical and should be accomplished in areas near the trainee's employment site. It is also critical that the Department of Education consider all the needs within a state and not randomly select a grantee without securing verification from the state education agency.

This concludes my testimony. Thank you for the opportunity to appear before your subcommittee.

Mr. **WILLIAMS**. Do you have a statement or do you wish to sit there to answer questions?

Ms. **GRAY**. I am just here to answer questions.

Mr. **WILLIAMS**. Steve?

Mr. **BARTLETT**. For either of you, tell me about your ability to attract personnel in the elementary and secondary school, special education personnel. Are you short? How short are you? Where do you attract most of your personnel?

Ms. **GRAY**. Congressman Bartlett, we attract a lot of personnel in our mountainous areas and the beautiful parts of Montana.

Mr. **BARTLETT**. It is all beautiful.

Ms. GRAY. We have other parts that are more sparsely populated, and we have a lot of difficulty attracting people on a long-term basis. We continually have to retrain people for those areas. This is especially true with our support staff, our physical and occupational therapists, and speech pathologists.

In a State such as Montana where we have very few handicapped students over a very large area, our support staff has to travel many, many miles a day. They may travel 120 miles a day just to see 10 students. That is very wearing, and one of the reasons why we are not able to keep a lot of these people for a long period of time.

Mr. BARTLETT. What is your greatest shortage?

Ms. GRAY. I would say our greatest shortage is in our support personnel, our physical and occupational therapists, and our speech pathologists.

We are experiencing some teaching personnel shortages in the areas of services to emotionally disturbed and some of our multiply handicapped students.

Mr. BARTLETT. Do you have any sense as to what percentage of your incoming students that are new to the system, incoming personnel, both teachers and supporting personnel, what percentage come from Montana and what percentage do you recruit from outside of the State?

Ms. GRAY. We don't have specific data to back up my estimate, but at this point, I would say we attract about 40 percent from outside Montana. Our difficulty there is that we don't retain those people.

Mr. BARTLETT. After they get to Montana, they would leave?

Ms. GRAY. Special education is a very difficult, demanding field. Special educators, the very dedicated ones, certainly commit a lot of themselves to their field, and often don't stay in the field for long periods of time. They oftentimes go back to the regular classroom, or the people that come to Montana to have the adventure, to see the west, do not remain here, particularly in our sparsely populated areas.

Mr. BARTLETT. Ms. Gray, can you give us some kind of an estimate, either in terms of comparing it to prior requirements or in cost, either for the school district or the State as a whole as to the cost of the additional data collection and reporting requirements that Congress, I think, mistakenly imposed on you 2 years ago?

Ms. GRAY. Well, Congressman Bartlett, I am unable to do that at this point because this year, we were able to submit estimates. Out of the seven required tables, we only sent one complete table out to the districts. Everything else we completed on the basis of sampling.

I would add that many of the required components for the data collection are very logical. It should be a very logical thing to ask how many of your students graduated from their high school or how many left under disciplinary measures or how many are in a sheltered workshop.

They are very logical questions, but they are very difficult to answer, especially in such a short time. It is just too much too fast. We are, and have been for the last few years, increasing our data collection.

This is just a little bit more than we had anticipated at this point.

Mr. BARTLETT. Do you find the information to be useful to you? Do you do anything with it?

Ms. GRAY. Some of it is very useful. We use some of our information for our allocation of funds, we use some of it for the planning of our minigrants for training. But we haven't had enough experience yet to know just how valuable all of it is going to be.

Mr. BARTLETT. Well, do you recommend that we retain that data, the full component of data collection or amend it somewhat to permit more sampling or eliminate it?

Ms. GRAY. Yes, I really would recommend that you look carefully at sampling. There are a number of differences in definitions just for the specific handicapping condition. I would commend the Department of Education and the special education programs for working very, very hard to try to make the requirements easier to follow.

They have set up a task force, they have called people to Washington, they have tried to simplify some of the forms, and I think they are working very hard at this, but it is very difficult, and there is so much to do at one time. If we just had one table per year, I think perhaps we could do this.

We also, being a small State, have a very small staff. We have six people on our staff. We don't have a data collection specialist. So that means the other people on staff have to spend a portion of their already-allocated time to work on this, and they aren't specialists in that area.

Mr. BARTLETT. Of the discretionary programs, do you have an opinion as to which should have a higher priority for us, which are the most important to you, transitional, career development, personnel development, training?

Ms. GRAY. I think the first three that you mentioned certainly are there. The transitional programs are just getting going. I don't think we can carefully evaluate what the impact of them has been yet.

Montana and many other small States, of course, have a lot of difficulty getting the competitive grants because of the size of our staffs. We don't have people that have time, and a lot of times the expertise in grant writing. So we don't pick up as many of those discretionary grants as States with large staffs and more experience in that do.

I think that the early childhood programs are very valuable, particularly in a State like Montana, where we don't have a mandate, although we do have permissive services down to birth.

The comprehensive system of personnel development is something that is extremely important in States like Montana and needs to have continued emphasis at the Federal level. However, it is very important that all States have their share of whatever the Federal pie becomes in that program.

Mr. BARTLETT. Thank you.

Mr. WILLIAMS. I am fully sympathetic to the difficulties which the mandates and regulations pose. By the way, the regulators in this instance are required by the Congress to promulgate these regulations.

But I am sympathetic to the difficulty you have in charting them out. We did that because of testimony we received which said that the States were not adequately serving a wide range of population by age group. So we said to the States, don't do anything different from what you are doing, just tell us what you are doing. So next time, we will correct it if you are not doing it correctly, because now the States are angry because they have to tell us what they are doing.

You know, we were asked several years ago to cut the money for the regional offices. We cut the money for the regional offices, and now people are complaining because the regional director can't travel to Montana except for once every 3 years.

Folks are absolutely livid about administrative costs. They want the administrative costs to be cut. As Budd Gould says, get the money directly to the people. Now, you are telling us your administrative costs are not high enough.

So the dilemmas go on and on, and I can guarantee you that neither the Congress nor the State legislature will ever be able to get it exactly right, but we will try to plug the leaks as we go.

Now, with regard to the data collection, I understand, Gail, earlier this year you had two meetings with the folks in Washington and expressed your concern to them about certain of the data collection requirements. Was this meeting satisfactory? Which data collection requirements did you express concern about, and has the matter been righted?

Ms. GRAY. I think we are making great progress on that. However, I would not say the matter has been righted because at this point in time, it looks like we are going to have to give data based on accurate, complete comprehensive collections for next year, which is very difficult for us to do at this point.

I do think that the people in special education programs are making great efforts. We have a meeting here of the small States, we call them the $300,000 Club. At that time, the Department of Education did send our Dr. Danielson to speak with the group.

I think he had a very tough shoulder at that point. He didn't get to talk much. We spent a lot of time crying to him about all the work and efforts we were going to have to put into this and short time lines.

That was followed up with a task force meeting in Washington, at which, I think, there was a lot of productive work taken on. We have not had any response yet from Washington from the special education people as to what the results of that meeting will be. I am confident and optimistic that it will, perhaps not being totally satisfactory, but it will make our job much easier and allow us to spend more time and effort on services for students.

Mr. WILLIAMS. I would be more than pleased to help you and invite you to do what you have done. That is, stay in touch with me and our committee with regard to the outcome of that. The courts have told the Congress that the separation of powers require us to keep our fingers out of the regulators, that is the President's business. Nonetheless, we can write letters and make phone calls and maybe help along the way.

We appreciate both of you being here today. Your testimony has been very helpful.

Our second panel of three witnesses is Michael Hagen, Katharin Kelker, Richard Van den Pol. Mr. Hagen is director of the Montana Center for Handicapped Children at Eastern Montana College; Katharin Kelker is here as a parent; Mr. Van den Pol is a director of the Preschool Program at the University of Montana.

STATEMENTS OF MICHAEL HAGEN, DIRECTOR, MONTANA CENTER FOR HANDICAPPED CHILDREN, EASTERN MONTANA COLLEGE; KATHARIN KELKER, PARENT; AND RICHARD VAN DEN POL, DIRECTOR, BIG SKY PRESCHOOL PROGRAM, UNIVERSITY OF MONTANA

Dr. HAGEN. Thank you. You have my written testimony already, and I will not go through that and read it as written, since you can do that yourself. I do have comments regarding several issues that I would like to address to you today.

I just want to make some comments specifically about part C. Judy had mentioned in her testimony that the regional resource centers have done good things for the State. I think as an RRC that may be true.

As a local education agency person in the field, as I speak to other directors in special education, classroom teachers, they are not as supportive of the RRC. I don't think they know what the RRC is; what its functions are; who they are supposed to be working with, or corresponding with.

At the present time, the RRC's dissemination of information goes through the SEA directly. LEA personnel are not able to circumvent that system. I don't think all the information about what can be done is provided to the various people in the State that could use that service.

There are several things that I think the RRC could do for us and should do for us. Initially, there were 12 RRC's. Now they are down to six. Their territory has gotten larger and their dollar amounts have not increased proportionately.

We as a rural State, as expressed earlier, have a problem getting competitive grants, especially in the discretionary areas. We feel the RRC is a very viable option to that. However, as the mechanism is currently set up, we don't get to those people as well as we could or should, I think.

Second, we have been fortunate to have a discretionary project at the Montana Center for Handicapped Children for the past 2 years. We are moving into the third year of a project called MESH, the Montana Model for the Education of the Severely Handicapped. We are very fortunate to develop many byproducts and initiatives that will be used not only by the SEA but by our local education personnel.

We feel we have made some strides, not only in school personnel and school programs, but a variety of other agencies, human service agencies as well, vocational rehabilitation. Through the use of discretionary dollars and grants, such as the one we have, we can continue to improve and service our population.

The second area is within the area of early childhood programs. At the present time, Montana does have permissive legislation for preschool, zero to five. We have been fortunate for 3 years now to have a State grant. This is the second year it has been contracted to our agency. We are very fortunate to work with the SCA in receiving that particular contract and grant through Washington.

The State limitation grants I think are on their way now, as they have new language to make them 8-year-long projects to really take a hard, close look at preschool services. However, when we look at preschool services in Montana being permissive, there is still inequity, and considerable inequity as to the children that are served.

Currently, the majority of the public school programs serve children from 3 to 5. The developmental disability services, SRS in Montana, serve children zero through two, three. However, as parents who need services live in Montana, there may not be preschool services available. If they are available, it may only be on a very limited basis.

If you are fortunate enough to live near a larger city, you may have some base service where service may be from a 4-day to 5-day program. Some programs, such as the one in Billings, we have been fortunate to offer a full day service to some 5-year-old children. However, the discrepancy in the inequity of service availability is still present. Within Billings, a large geographic area of the State, Billings Public School District does offer preschool services to children as young as 2 in center-based programs.

However, across the river, you won't get services until age 7. So that means either parents have to uproot and move into Billings to get services, or the child has to sit at home for 6 years before services are offered. If they have a kindergarten program, then they can start a little bit earlier.

There is vast inequity in the services for children. We would like to recommend that stronger language be put in the legislation to request States to look at permissive language and make services more equitable. The State dollars that are paying for those programs are shared by everyone. But only certain people reap those benefits. We feel that inequity should be looked at very carefully.

We have been fortunate through the efforts of Kathy Kelker, who you will hear from next, with the preschool mandate, and we hope we will be fortunate enough at least for the next biennium to have mandated services.

There is still inequity not only in services that are available but the quality and quantity of services as well, and that should not be overlooked.

As we just talked about, personnel availability. In cities you have more personnel, in rural areas you have less trained personnel. So we need to broaden the intent of Public Law 94-142 to include educational services for all children birth through 5, and the permissive language should be removed to create equitable service.

The third area I would like to speak to is secondary education and transitional services. We have been hearing a lot from Madeleine Will regarding transitional services. The majority focus in those areas have been vocational, and I think we feel very strongly that vocational services is only one aspect of an adult's life.

You and I work 8 hours a day, some 12, some 14, some 18. But that is not all our life. But that is what we hear, and we are asked to continue to get children as adults ready for adult vocational services. We feel that is only one aspect of the child's life and his adult life.

We need to start, No. 1, very early with our children that we serve at the center at preschool, start vocational services. We feel we need to address that very quickly, but we also need to address social skills, leisure time activities, and the whole gamut of curriculum, and not just vocational integration into competitive environments or competitive employment.

There is a whole realm and variety of skills that need to be taught, tasks that need to be taught, and we need to not only focus on vocational, we need to focus on the whole child, the child as a whole, as a whole adult.

I think, we need to do that through the efforts of not only the public school, but also the department of vocational rehabilitation, developmental disability services, all coming to grips with what is the focal point for a person that is handicapped and may be handicapped from birth to death, and how can we best serve that child in a total environment?

We should look not only at total vocational services, but independent living services, leisure time activities, social skills development, and the list goes on and on. We feel that has been overlooked, and we feel through some of our efforts and our discretionary contract now, that we are trying to address that, in helping parents to make those decisions, and having more input into looking at the total child who will be an adult at some period of this life.

Mr. WILLIAMS. One minute, please.

Mr. HAGEN. The next area I will switch to is personnel preparation. You heard a little bit about that. We feel that, especially in a rural State, we need to look at other efforts in training personnel, possibly through a paraprofessional training area.

We have done that on native American reservations very effectively in the last 2 years, training people that live and will continue to live in those areas and train paraprofessionals to carry out the delivery of services.

We feel that is an option. We need to look at the whole area of personnel preparation, not only through teaching but also administrative principles. We have superintendents who we have trained 10 years ago, but we haven't done any training recently.

Thank you.

[The prepared statement of Michael Hagen follows:]

PREPARED STATEMENT OF MICHAEL HAGEN, DIRECTOR, MONTANA CENTER FOR HANDICAPPED CHILDREN

Representative Williams, staff members, ladies and gentlemen, my name is Michael Hagen, and I serve as the Director of the Montana Center for Handicapped Children, which is a facility offering educational, diagnostic and outreach services to handicapped children and their parents who reside within the State of Montana. The Center, which has been in existence for 37 years, has been heavily involved in the implementation of the Education of the Handicapped Act. We have been grateful for the leadership the federal government has provided through EHA which ensures that all children, regardless of the nature of their handicap, have access to education.

The Discretionary Sections C, D, E and F of the Education of the Handicapped Act have done much to provide direction and substance to the law. I would now like to discuss subsections C and D individually, as they relate to the provision of services to handicapped children and youth in Montana.

PART C—CENTERS AND SERVICES TO MEET THE SPECIAL NEEDS OF THE HANDICAPPED—REGIONAL RESOURCE CENTERS

Montana is one of the states served by the Mountain Plains Regional Resources Center (RRC) located in Logan, Utah. While the state has received some good services from the RRC (i.e., technical assistance for the development of the successful Surrogate Parent legislation, technical assistance to the Billings Public School special education task force), much more should and could be done. Currently, the RRC is charged with providing technical assistance through the State Education Agency. Even this limited charge has become more difficult because the number of RRC's has been reduced from 12 to 6 and the geographical territories of the existing centers, therefore, has been increased tremendously. Funding has not kept pace with the costs of travel and communication within these larger territories so the effectiveness of the RRC has been reduced, making it virtually impossible to provide even minimal services to the rural/remote areas which most need RRC assistance.

One of our desperate needs, which the RRC could certainly fulfill if its charge were broadened and if it were more amply funded, is for technical assistance with the preparation of grant applications. Grants are about the only option for the development of new and innovative programs, specialized adaptations of new technologies to suit the rural/remote nature of the state, or dissemination of newly developed or national best practices in services to persons with handicaps. Our state, for numerous reasons, is constrained by a very limited budget for all human services. There is little or no money available on a local basis to allow for growth and development of services for our handicapped population. We must rely on assistance from the federal government to get us started in new directions; once started we can continue on our own.

We have difficulty being competitive in grant writing because we cannot assemble the expertise and staff that big colleges and universities can to do their grant writing. As I converse with colleagues from institutions in more populous states, I hear them speak of "grant writing machines" which include cadres of graduate students who can be unleashed on the literature and several academic departments which can be set to work researching and writing sections of the grant. When we write grants in Montana, it usually means one talented individual doing all of the reaearch and writing and probably typing the manuscript as well, always within the extremely brief time frame allowed to complete the application.

On the rare occasion when one of our applications is successful and is funded, we can accomplish a great deal. Our problems so that when they have the funds, they can provide the services which meet our regional needs. For example, the Center is currently fulfilling a federal contract, the Montana Model for Education of the Severely Handicapped (MESH) which is in its third and final year of operation. During that time it has published a state-wide directory of services which is proving to be highly valuable to service providers, educators, parents and persons with handicaps. This directory, for the first time, provides a composite of all the services acros the entire state. We have had numerous reports of families who have used the directory to help them relocate in an area where more adequate services are available. In the future, the Directory will be updated periodically so that its listings will continue to be current.

In addition to the state directory, the MESH Project has developed specific procedures for the development and implementation of state of the art technologies in transition. The project has prepared an implementation manual complete with step-by-step directions and models for all the forms and documentation which may be necessary to implement transition procedures. The Office of Public Instruction has elected to utilize the project's forms as models to disseminate throughout the state.

During the next several months we will be implementing the MESH transition model in four sites, including rural, Native American locations. Thus, the MESH Project has served a number of purposes for our state—it has provided information, developed new procedures and is in the process of demonstrating those procedures. We need more such grants to help us keep abreast of what is going on in the field of special education. If we were able to use the resources of the RRC and its major university connections, we might be able to do a better job of applying for grants and might be more able to stay in the mainstream of special education research and program development.

RECOMMENDATIONS

1. Fund the Regional Resource Centers at resonable levels which allows them to do the job for which they were intended.
2. Add the provision of technical assistance to agencies/organizations to prepare competitive grant applications to the existing role and acope of the RRC with funding levels appropriate to allow this activity to be actually implemented.
3. Consider carefully the current practices connected with the discretionary grant process. Perhaps more federal dollars could be more equitably and better spent through a formula grant program.

PART C—EARLY EDUCATION PROGRAMS

This is an area of major concern to parents and professionals alike. From the powerful, empirically based evidence currently available in the literature, we know with a high degreee of certainty that early intervention plays a major role in facilitating the development of fullest potential of handicapped children, youth and adults. However, here in the state of Montana, preschool services are "permissive" and even though a few programs are scattered throughout the state, they are far from being equitably available to families of handicapped children. Also quality of the programs is variable because there is no one administrative or evaluative body to which these programs are responsible.

The State Implementation Grant, which is the second contract which the Center received, has been responsible for accomplishing much even though the environment of fiscal conservatism has contributed greatly to keeping preschool services at a minimum within our state. The SIG has a highly developed model for preschool service delivery currently available for dissemination. The staff provides technical assistance to those few programs brave enough to take on a new client load with little or no financial support. The SIG has also provided limited financial seed money to programs who apply and meet the criteria to receive this funding. As a result, several preschools have been created and services expanded where none existed before. A Parent Resource Library has been established and receives heavy statewide use, and a newsletter is disseminated which addresses specific informational concerns of parents and professionals. We are pleased with what we have accomplished through the SIG thus far, however we have definite plans to continue to push very hard for equitable, quality services to infants (at identification) through the preschool years. The SIG has the following responsibilities to be accomplished over the next several years: To develop a comprehensive interagency cooperative agreement which delineates responsibilities and timelines for implementation; To develop a statewide interagency tracking system for all children from birth through five years of age who are identified as handicapped or at risk of being handicapped; To provide needed training for service providers, parents and families; To provide technical assistance with the development of educational and related services to young children with special needs; To systematically study cost factors related to the delivery of services and programs for these children. Again, here is another example of how powerfully the service delivery system within the state can be impacted to provide better services through the vehicle of federal grant dollars.

Most of us are convinced that the preschool mandate will pass in the next legislature. The vote was so close last time and the momentum is strong. Parents of handicapped children who reside within this state can take the majority of credit for the near success with this legislation, and they are working even harder to ensure passage. They will succeed. However, it has been a long, hard, uphill battle.

RECOMMENDATIONS

1. Broaden the intent of P.L. 94-142 through federal law to include educational and related services for all children birth through five years of age who are identified as handicapped or at risk of being handicapped. The "permissive" aspect of this law should be removed to create equitable, quality services for all infants and young children across the nation.
2. Continue to support, through federal seed money, efforts by states to develop and implement quality services for their young children.

PART 1—SECONDARY EDUCATION AND TRANSITIONAL SERVICES

For many years we as professionals and parents have been convinced that our moderately and severely retarded children would never acheive community integration when they reached adulthood. Now, not only is the technology available to train for community integration, but several of these successful training programs are in full operation across the nation. This exciting evolutionary development brings with it many unanswered questions about exactly how the service delivery system can respond to these new directions for training moderately and severely handicapped persons to actively live, work and play within the communities.

My concerns about this issue are as follows: Role of the public schools: Preparation for adult life for moderately and severely handicapped persons must begin at the earliest possible time. Infants should receive training programs aimed not only at emerging motor, language and cognitive development, but also social skills. These children should not be educated with watered down academics under any circumstance. Throughout the educational process, academics should only be taught where they have definitive relevance to reasonably-expected functioning levels anticipated for adulthood. A handicapped child's educational time is too precious to be wasted learning to tie shoes or stack blue blocks or even to recite American History. They need a broad range of self-help, vocational, social, and leisure-recreational skills in order to achieve the levels of community integration of which they are capable. Taking into account the much slower learning rates and limited number of skills which can be acquired and maintained over the duration of a standard public school year, the imperative for relevant, clear, concise goals, objectives and related curriculum becomes evident. Also evident, then, is the need for a longitudinal approach which allows each year of education to be spent in preparation for success within the next, all leading cumulatively to help produce an adult who functions within the community with the highest level of integration possible. This philosophy is significantly different from the one which is being promoted by OSERS. OSERS concentrates on vocational placement to the exclusion of other features of normal community life. In addition, OSERS advocates intensive vocational training and placement during the last year to two years of high school, at the earliest, and makes no recommendations about curricular content before that time. Our perspective is that it is the responsibility of the educational process, over the 15+ years that the handicapped child receives these services, to address all aspects of community integration, including social skill training, independent living training, leisure/recreation skill acquisition, vocational training, hands-on experience, and job placement by the time the student graduates.

Role of the Department of Vocational Rehabilitation: In the past, vocational rehabilitation services have commonly not been available to this population of handicapped persons because they were rarely deemed to be competitively employable. Now, because we have the educational technology present to be able to change the employability of these persons, vocational rehabilitation agencies will have a new population for which they must be fiscally and programmatically responsible. Many of the moderately and severely handicapped adults should be trained and able to hold positions in the work force. However, these same people will require differing levels of ongoing support in order to maintain themselves on the job. The public school responsibility ends with graduation. Vocational rehabilitation agencies have neither the mandate nor the fiscal resources to provide this support. Even more critical, vocational rehabilitation counselors are not trained in the skills necessary to assist a moderately or severely handicapped person to successfully maintain a job placement.

Role of the Developmental Disabilities Division: The expertise to provide ongoing supported employment services to handicapped persons should reside within the staff of the Developmental Disabilities Division. However, this function is currently not a focus of this agency. They use the bulk or their limited financial resources to support persons in sheltered and avocational workshops. The current structure returns nothing to the tax base which supports it and is very expensive. In addition, the DDD provides group homes to facilitate independent living, yet we are all plagued by long waiting lists for openings in the few group homes the DDD has the resources to fund. In addition, the DDD can only serve those persons who are deemed developmentally disabled, and this omits a sizable group of people whose needs are very similar yet who don't qualify for these services. these people (i.e. head injured after age 18, moderately or severely learning disabled) basically "fall through the cracks" of the service system into a void of no services after they leave the public schoool system.

RECOMMENDATIONS

1. Shift the federal focus from vocational placement as an end goal to concentrate on the most efficacious use of the entire public school experience such that it is directed toward full community integration, including but not limited to vocational placement.

2. Rise the SGA level for handicapped persons (gross $310/month) to at least the level designated for persons who are blind (gross $611/month). This would enable a person with handicaps to be clearly better off working than not working.

3. Strongly promote the cooperation and coordination of services across the three agencies who provide the bulk of the training and support. Knowing full well that dollars are limited, the public school system, the Department of Vocational Rehabilitation, and the Developmental Disability Division could coordinate services to ensure a lack of duplication of services, few if any gaps in service, and a logical coordinated progression of services such that each supports and facilitate the efforts of the other.

4. Determine which agency will have responsibility for providing the ongoing support necessary to assist moderately and severely handicapped persons to maintain themselves successfully on the job, and fund them adequately and provide for the training necessary in order to ensure success of the program. Empirically, we have every reason to believe that we can assist moderately and severely handicapped people to be contributing members of society, in every way. Importantly, it appears as though persons provided with this support will contribute to the tax base rather than taking from it with no return. However, the changes that are necessary to facilitate this are service delivery system wide and will require not only impetus and directions from the federal government but also initial monies to make the necessary system changes.

5. Broaden the scope of independent living training to include all types of disabilities and provide impetus and funding to allow for monitoring and maintenance of persons living independently, as necessary.

6. Increase funding to allow for more group homes to reduce the lengthy waiting list for this critical service.

PART D—PERSONNEL PREPARATION

I have spent a great deal of time thinking about the issue of personnel preparation and its relevance to a rural/remote society such as Montana. Intuitively, it is easy to predict the reality of the situation—most small isolated communities cannot attract special education personnel to serve their handicapped children. If they are lucky and are able to hire someone, in almost every case, the new person moves on within one to two years, and the long, frequently unsuccessful recruitment process must begin again. Not only are services inconsistently provided, but programs and delivery systems cannot be built with repeated service interruptions.

Recognizing the problem, only one solution seems feasible. Residing within those small, isolated communities are persons who have chosen to live there and families who have lived there for generations. These people have a commitment to the community. If paraprofessional training could be taken into the community and provided to persons who live there and who may have an intrinsic interest in the field of special education but who are unable to leave their homes and families for extended time periods to attend school some 200-500 miles away, a stable service system could begin to emerge. This would certainly not prevent the community from recruiting and hiring professional staff, but the ancillary support would be continuously present, and if, as is common, no one applies for the vacancy(s), then some services could still be delivered to the children who need them. This system would require not only preservice training, but continued inservice training, monitoring and assistance. With fewer and fewer students selecting special education as a major in our colleges and universities, our larger cities are even beginning to feel a shortage of teachers. This will drastically effect the small isolated communities (which make up the bulk of Montana). Now is the time to prepare for this critical shortage.

RECOMMENDATIONS

1. Provide federal assistance to colleges and universities serving isolated remote areas which would allow them to recruit, train and monitor paraprofessionals who reside within these communities.

2. Formalize and standardize the curriculum for this training such that it reflects careful consideration of the role of the paraprofessional serving children in isolated communities.

3. Certify the trained paraprofessionals and require periodic recertification.

4. Provide the initial professional diagnosis and related evaluations to develop the training programs for each child—then the paraprofessional would be responsible for carrying out the programs, and would keep data. Both the activities of the para-

professional and the child change data should be monitored routinely by the professional.

Mr. WILLIAMS. Thank you very much.

Ms. Kelker.

Ms. KELKER. Representative Williams, Representative Bartlett, I really appreciate your having solicited testimony from a parent. I think that is unusual, and I am very grateful for this opportunity.

I am speaking for myself as the parent of a mentally retarded son who is 14, and also for other parents that I work with throughout the State. We have a parent organization called Parents, Let's Unite for Kids, and I am the coordinator for that organization. So I have the opportunity to hear from many parents.

I am going to comment on the discretionary programs in terms of the yardstick which parents use. I will be talking about those things which make a difference to us at the grassroots level.

In terms of the regional resource centers, I am an enthusiastic supporter of the RRC's because they have made a difference for us.

This particular RRC, which is based in Logan, UT, has made a conscious decision to include parents in all of its operation. When they are looking for advice as to what projects to form or to operate on, they ask parents. Half of their advisory board are parents from the State they serve. The current cochair of that group is a parent from Montana. So we feel we have a good deal of opportunity to speak, to the RRC.

Let me give you one example of why that is useful to us. As parents who live basically in isolated areas, we often feel guilty we are not affording our children with handicaps all the sophisticated services that exist in other places. We express that need to the RRC, and they have set up on a regional basis programs where they bring in parents and teachers and also people who deal with technical equipment, adaptive equipment, computers, and assess the children and match the children with the kind of equipment that they need.

There was just such a program in Great Falls a couple of weeks ago. That kind of thing brings technical assistance into Montana that we otherwise would not be able to have. It also extends the efforts of our office of public instruction.

I would like to comment on early education programs. This is an area which is a real concern to me. I was one of the people that went to the legislature last year and said, look, we have to do something about what is going on in Montana.

It is very true that we have some excellent programs in our State, and we are able to say, as they say in other places, that early intervention services do make a difference.

For example, I mention in my written testimony we have a good preschool program in Helena, and I know a Down's Syndrome child in that program during her first year of preschool was getting enough language development that she exceeds expectations for her age. That is a very unusual finding in the Down's Syndrome child. This same child is also learning to read. Those kinds of things wouldn't happen if she didn't have an early intervention program.

Our parents know these programs exist, and if they live in a community that does not have an excellent program like the one in Helena, they then have to make some tough decisions.

I brought with me a letter from a parent in Cut Bank, MT, who has made the decision to leave a business, a thriving business, sell their home, and move to Billings where they have no prospect of a job, simply because they need preschool services for their child with cerebral palsy and they would not get them unless they move to a larger community.

The office of public instruction, I think has done a very good job of using the incentives that are available through the Federal Government. We have used the so-called PIG grants and figure grants and have talked many school districts into developing preschool programs. But they are not available everywhere. For us parents, that wasn't acceptable. We went to the legislature asking for the mandates and lost by two votes. But we will be back. We want to be able to say once again to the legislators, the Federal Government thinks this is important, we parents think this is important. It is helpful for us to have those incentives, it is helpful for us to cite research that we can obtain through the Federal Government.

In terms of the transitional services, I guess I have some skepticism. I think it is a wonderful idea that Madeleine Will is proposing. As a parent of a child who will soon be in this age group of transition, I am very pleased that there is something happening.

I am really afraid there is an awful lot of rhetoric that may not be implemented in the programs fast enough. Were my child to be graduating today from school in Billings, there would be nothing available for him in terms of transition. The best I could hope for would be a waiting list. He could be on a waiting list for a sheltered workshop, which would not be an appropriate placement for him. He could be on a very long waiting list for independent living or some kind of an apartment or group home.

Basically, what we are facing now, unless something changes, is providing those services for our son by ourselves. It is not that we are asking for a handout. We are working very hard with our son, and I know many parents who are doing the same thing to teach whatever skills we can. But we are really afraid that we will have created a monster, a young person who has a great many skills but has no place to use those skills when they finish school.

I am hopeful—I am not being negative—I am hopeful those services will be available in the next 4 or 5 years, but a great many things will have to change if that is going to happen for my child and for others that are in that age group.

I wrote to Madeleine Will with my concerns about the rhetoric and getting things implemented, telling her that I didn't think we were going to make it in Montana. She wrote me back a very nice letter. The essence of that letter was, we are going to provide you with opportunities to try for grants, and that will be your big chance. Well, that doesn't help me a lot, because I know that it is difficult for us to compete with other States in those types of grants.

Another area I would like to comment on is personnel preparation. I am really kind of worried, because this is an area which was dramatically cut, or recommended for cuts, by the administration. An 18-percent reduction, as I understood it.

In Montana, we see fewer and fewer students going into special education. We used to have 200 students in the undergraduate program at Eastern Montana College, and now we have about 60 per year. It is not as glamorous a field as it was when 94-142 came in. Students now know the financial opportunities may not be as good.

As a parent, this worries me, because when a vacancy is open in a school district, I would like the school district to have the opportunity to choose among several candidates instead of having to settle for whoever is available.

I am also concerned that in some of our rural areas, parents report to me their child has always been served in the classroom by an aide instead of a special education teacher. In some areas, a child has never seen a speech pathologist because only an aide is available.

The last thing I would like to comment on is the parent training grants. We tried for a parent training grant this year in Montana for the first time. We have never had a parent training center. We still have many parents who are unaware of their rights under Public Law 94-142.

Let me give you a couple of examples. There was a student in a wheelchair in one of our rural communities whose parents were required to come to school every day to carry the child onto the playground.

If they didn't come, the child was not allowed to go to recess. The parents didn't know they had any rights to protest that kind of procedure.

Another parent was told that their child with Down's Syndrome would not be able to enter the local school district, would have to be sent away to a large city and be placed in a foster home. Again, the parents didn't know they had any rights in that situation.

I think that sometimes when we compete for parent training grants, that when they are read in Washington, people forget what we are up against our here. Parents who are isolated, as our parents are, perhaps have more needs than some others for companionship and for some understanding of the law. I am hoping that the next time around, we will be successful with a parent training grant.

[The prepared statement of Katharin Kelker follows:]

PREPARED STATEMENT OF KATHARIN KELKER

Representative Williams, Representative Bartlett, ladies and gentlemen, my name is Katharin Kelker, and I am a parent of a fourteen year-old son who is mentally retarded and in a junior high special education program in Billings where our family lives. I am pleased to have this opportunities to discuss with you the value of the discretionary programs under the Education of the Handicapped Act from my perspective as a parent and a consumer of services. One of my roles is that I serve as a Coordinator of a self-help project called Parents, Let's Unite for Kids which is a statewide coalition of parents of children with a variety of handicapping conditions. In this capacity I have the opportunity to talk with other parents on a daily basis. My remarks in this testimony reflect, therefore, both my experience and the experiences of other parents throughout the state of Montana.

Overall, parents tend to judge the quality of the Discretionary Programs on whether the money and effort expended on them has noticeable positive effects on issues or problems which the affect the daily lives of handicapped children. There may be other yardsticks to use, but for us what matters about a program is whether is eventually helps children. The programs on which I have elected to testify do affect children positively, and they are programs for which we parents are most grateful that there has been federal support.

REGIONAL RESOURCE CENTERS (PART C)

Montana is served by the Mountain Plains Regional Resource Center in Logan, Utah. I am delighted to say, because of the positive working relationship between our Director of Special Services, Gail Gray, and the Director of the RRC, Dr. Glen Lathem, Montana has realized much good service from the RRC. This RRC has placed a great deal of emphasis on involving parents in the decisions which are made on technical assistance projects. One half of the members of the RRC Advisory Board are parents and the current Co-Chair of that group is a parent from Montana.

Each Program Assistance Commitment which the RRC makes with Office of Public Instruction is reviewed by parents as well as by professional staff. Because parents have been involved in the planning, RRC projects have had direct positive effects for parents and children. Some recent projects include:

1. Presentation of relevant research data by Dr. Lathem to a special education task force for the Billings Public Schools. Dr. Lathem addressed the group on such issues as the efficacy of separate schools for the severely handicapped, optimal class size and staffing patterns for special education classes, and regression and recoupment and the extended school year. Partly because of RRC assistance, the special education task force has recommended dramatic changes in service delivery in the largest school district in Montana, including closing the district's separate special education school.
2. Support and technical assistance for developing legislation to create the role of Surrogate Parent in Montana. The legislation was successfully passed during the last legislative session, and now the RRC is assisting with training of surrogate parents.
3. Technical assistance and coordination of regional workshops to apply technologies to the specific needs of children with handicaps. At the first of these workships, held in Kalispell, children, their parents and teachers were brought together with professionals in the use of computers, adaptive equipment and other devices to assist the handicapped. The children were assessed and then fitted on the spot with a variety of technical devices and aids which would enhance their lives, increase their mobility and enable them to benefit from their educations.
4. Sponsorship of parents to attend parent training workshop. RRC paid for two parents from Missoula to atttend a P.E.P. parent training session in Colorado Springs. The parents who attended the training were highly impressed and came back to our state full of enthusiasm for providing training opportunities to parents in Montana.

We appreciate the way that our RRC has functioned, not as an ivory-tower academic agency, but as a source of practical advice and assistance geared for direct implementation where it is needed. As I talk with other parents around the country, I have heard from them that other RRC's are perhaps not so beneficial. I think the reason that the Mountain Plains RRC has been successful is that its staff has chosen to listen to parents and to use their advice in setting priorities for service. We have come to view the RRC as a valuable resource because it brings sophisticated technical knowledge to bear on local problems and it helps to augment the expertise that our overburdened state staff can provide.

Recommendations

1. Take into account the geographical size of the area which an RRC serves and allow appropriate funding to cover travel, telephone and postage for communication within the larger territories;
2. Encourage Regional Resource Centers to rely on parents of handicapped children, as well as professionals, to advise them in setting priorities for service.

EARLY EDUCATION PROGRAMS (PART C)

The subject of preschool special education services is a very important one for parents of handicapped children in Montana. More and more research is accumulating that shows handicapped children who receive early intervention services are less likely to need extensive special education services in later years and are more likely to function with greater independence as adults. The evidence that children who do have preschool services are benefitting in significant ways is clear. For example, one four year-old Down Syndrome child in a preschool program in Helena during her first year of service has acquired a speaking vocabulary which is beyond expectations for her age. In addition, this same child is learning to read. While this child is probably remarkable in her development, studies of Down Sydrome children in other preschool programs indicate that early intervention has long-term positive effects (Fredericks, Moore & Baldwin, 1981; Russell, 198[illegible]; Schweinhart, L. & Weikart, 1980; Omitriev, Hayden & Haring, 1981; Hayden & Bailey, 1977; Lazar & Darlington, 1979; Garland, Stone & Woodruff, 1981).

When parents learn of these wonderful programs, they become painfully aware of the need to get sophisticated training and therapy for their child as early as possible. Their search for such services can be frustrating and discouraging because Montana does not have mandated preschool services. Those programs for preschoolers which do exist are unevenly distributed across the state and are of varying quality. Parents are sometimes faced with the difficult decision of whether to remain where they are and risk possible damage to their child from lack of appropriate service or to abandon their home and seek better services in another community. For example, a young couple from Cut Bank wrote to me this summer that they were planning to sell their meat-cutting and processing business in order to move to Billings where they felt their three year-old son with cerebral palsy would receive better preschool services. Currently they receive bi-monthly home visits from a home trainer in a Child and Family Service Agency. this trainer has been helpful to the family, but the parents feel that their son needs better physical therapy and a center-based preschool progrm where he can interact socially with other children his age. Neither of these services is available in their rural area, so they plan to leave their home and business to start a new life in Billings.

It is not usual in Montana for parents of handicapped preschoolers to have to make the decision that this couple in Cut Bank has made. Though much progress has been made, several obstacles to good quality, reliable preschool services remain.

Since preschool services are permissive, school districts can decide for themselves whether to offer a program. Some school districts, particularly in smaller communities, have been reluctant to commit themselves to providing a preschool special education program, even though the number of children they would have to serve is very small, because they fear the possibility of catastrophic costs for providing services to the rare severely handicapped child. Other districts resent providing any service at all to children not of school age. Still others are concerned that if they serve preschool handicapped children, they will be forced to serve normal preschoolers as well.

In the face of these and other formidable objections from school districts, the Office of Public Instruction in Montana has had remarkable success in making effective use of the support and incentives for starting preschool programs which the federal government has provided through EHA—Parts B & C. Largely because OPI has been able to offer financial incentives through the Preschool incentive Grants and State Implementation Grants, school systems in almost all major Montana cities and in a surprising number of small towns have chosen to offer some type of special education preschool program.

In spite of these commendable efforts there is still a need in Montana to create and expand early intervention programs. By OPI's estimate some 95 moderately and severely handicapped children and 700 mildly handicapped children are currently without education services or are receiving minimal or inadequate services. It is difficult to estimate how many families have been disrupted because of the need to move to obtain adequate service.

For parents the inequities which exist in the state are unacceptable. During the recent legislative session parents of handicapped children attempted to remedy the situation by mounting a major effort to pass legislation (HB 405) which would have mandated early intervention services from 0–5. Legislators reported that they received more mail favoring this bill than for any in recent memory. One hundred fifty parents traveled to Helena to testify before the House Education Committee in person and many more sent written testimony. The bill passed out of committee with a unanimous Do-Pass recommendation, but the legislation was defeated in the House by two votes.

Parents are determined to try again and again until legislation for mandated preschool services can be passed. In the meantime we need all the help we can get. We need effective models like the HCEEP-funded preschool in Missoula which demonstrates cost-effective service and parent-professional cooperation. We need the PIG and SIG grants to offer as incentives to reluctant school districts and outreach services to disseminate information and increase professional skills in school districts with new programs. We need the ability to benefit from the experience of other states in which preschool services have been universally available and have proved to be successful. In order to convince wary legislators and school trustees who are always concerned about cost, we need to be able to point to the support the federal government has given to early intervention programs and to the mounting evidence that early intervention can reduce some of the cost of special education at the elementary and secondary levels and may also reduce the need for some adult services.

Recommendations

1. Provide contingency funds to cover castrophic costs of serving severely handicapped preschoolers;
2. Expand outreach efforts of HCEEP programs to lay the groundwork for state-mandated early intervention programs for children 0-5;
3. Increase funding for Preschool Incentive Grants to be more in line with the authorization level for this program;
4. Emphasize sevices for children birth through 2;
5. Disseminate information about models for service delivery which utilize existing resources;
6. Disseminate information about effective programs for outreach with specialized therapies like speech, occupational and physical therapy.

SECONDARY EDUCATION AND TRANSITIONAL SERVICES (PART C)

As a parent of a mentally retarded teenager who will soon be making the transition from school to work, I am grateful for the emphasis that the federal government is placing on the transitional period. As I look ahead to the opportunities which may be available to our son Chris in the community, I have some fears that, unless changes occur soon, he will not be prepared for the competitive job market and he may not be able to find a suitable place to live in our community. At present our school system is just beginning to offer a vocational program which is geared to jobs in the community and which incorporates real work experience. In addition, though semi-independent and independent living arrangement exist in our community, the demand for these opportunities is high and our son may have to wait for several years until there is an opening for him.

My husband and I are hoping that changes in the system will come quickly enough so that Chris can benefit from them. We think that Chris is capable of living fairly independently if he gets the right training now, and we are trying to do our part by teaching him independent living skills and encouraging him to try working at jobs in the community. This summer Chris is working as a day camp counselor for the YMCA. He applied for the job himself, took the training and was selected to work through the same process as other teenagers. We feel this experience was a great step forward for him, but much more will have to occur before he will be ready for the competitive world.

The changes we would like to see in the system, the changes which we know would help Chris and others like him, are the very ones which Madeline Will has been advocating and which Part C as amended emphasizes: improvement of secondary special education programs and strengthening and coordination of postsecondary services. Secondary special education curriculum must be changed so that programs emphasize the academic, social and vocational skills which are relevant to successful integration in the community. "Watered down academics" and anemic vocational simulations just do not prepare a young person to do the types of work that are really available.

We are encouraged that the federal government is funding demonstration transition projects and is disseminating information about best practices for transition. We are concerned, however, that expectations have been raised or transition and that governmental and educational agencies will not be abie to meet the need rapidly enough. This spring I wrote to Madeline Will expressing my concern that the rhetoric in Washington might not be matched with action back here in the states. I told her that our state agencies, especially Vocational Rehabilitation, did not have the money to meet the challenges which the transition movement poses. She graciously replied to my letter by explaining that her department was initiating a number of grant competitions for personnel training and the development of transition models. While I am sure that these grants will be of great help in some states, in Montana we do not have a "grant writing factory." It is difficult for us to compete with other States with large grant writing groups.

It is my hope that handicapped teenagers in Montana will not be left out of the transition movement. Our children who have grown up under P.L. 94-142 have so much promise because they have benefited from public education. It is, and will continue to be, tragically wasteful if these young people cannot find jobs and they end up dependent, idle and ignored by the community.

Recommendations

1. Continue to encourage agency cooperation, particularly between Developmental Disabilities, Vocational Rehabilitation and school system;
2. Encourage generic services which are available to persons with all types of handicaps rather than to one category of disability (DD);
3. Fund Vocational Rehabilitation at higher levels to accommodate the greater expectations from that program.

PERSONNEL PREPARATION (PART D)

I was astounded to learn this spring that the Administration had recommended an 18% reduction in the personnel preparation appropriation. In Montana we are experiencing a dramatic downturn in the number of undergraduates who are selecting special education as a major. At Eastern Montana College the number of majors has dipped from over 200 per year to fewer than 60. In the past special education majors out of Eastern's program have had a 100% rate, and the need for special education teaches statewide continues to be the same or greater.

As a parent I would like to think that our school systems had some opportunity to choose several applicants for a special education position instead of having to settle for whoever is available. I know that some school districts in Montana, particularly in more remote areas, have had to use aides in special education classrooms because they were unable to hire a certified teacher. Also some rural special education cooperatives have been unable to hire a licensed speech pathologist and so have had to make do with speech aides.

Not only do we need more teachers and specialists, we also need better quality training. Our special education teachers are certified K-12, but their training lacks emphasis on secondary programs. We need educators who are well-versed in the skills necessary for students to make the transition from school to work. The whole transition movement has no chance of success if we do not have professional staff who can properly prepare students.

I am concerned that lack of federal funding for personnel preparation will result in a trend toward less qualified personnel which will have an eventual long-term negative effect on the quality of special education. I am also concerned because Montana received no Part D money this year for personnel preparation.

Recommendations

1. Fund Personnel Preparation at authorized levels;
2. Assure every state of at least a minimal level of Personnel Preparation funding;
3. Stimulate personnel preparation in the specialty areas and in secondary special education.

PARENT TRAINING GRANTS (PART D)

Parent Training Grants to train parents to participate more effectively with professionals in meeting the needs of handicapped children have been funded through Part D monies. This year 12 grants out of 89 were funded. For the first time Montana submitted a parent training grant which was ranked 31 out of the 89 and was not funded. It is unfortunate that Montana's grant was unsuccessful because our state is one of very few which has never had a parent training grant. Ten years after P.L. 94-142, many parents in Montana are still unaware of their rights under the law. Though most school districts make a commendable effort to provide appropriate service, there are still instances in which services are denied or parents are not informed of their rights. For example, in one community parents of a high functioning Down Syndrome child were told that their daughter could not be served in the local district and that she would have to be placed in a foster home in a larger city if she were going to go to school. In another case an elementary-aged girl in a wheelchair was deprived of recess every day at school unless her parents would come to school and carry her to the playground and back.

Because Montana is such a geographically large and sparsely populated state, it is difficult to form and maintain an effective network of parents of handicapped children. Nonetheless, such a network has been formed and has over 800 active participants. This group is determined to try again for a federal grant, hoping this time to articulate our needs more clearly. Just because our numbers are small does not mean that we have less need for information and support than parents in other states. In fact, because parents of handicapped children in Montana are sometimes isolated from others with similar problems, there is perhaps a greater need to link parents and provide them with information and support.

Recommendations

1. Fund one parent training center in each state;
2. Screen grants regionally so that persons familiar with local problems can analyze the grants.

Summary

I feel privileged to have the opportunity to testify at this hearing. For a parent to be able to speak this directly to the federal government is indeed a remarkable benefit of our democracy. My family and I are grateful for the leadership the federal government has provided in insuring that our children with handicaps have access to an appropriate education. We applaud your efforts in Congress on behalf of these powerless children and commend the values which lead you to work in their behalf.

Mr. **WILLIAMS**. Thank you.

Dr. van den Pol.

Dr. **VAN DEN POL**. Honorable Chairman and committee members, distinguished guests, colleagues and friends, thank you for the invitation to testify with regard to the reauthorization of the Education for all Handicapped Children Act. Congressional insight and leadership is apparent in this landmark legislation, designed to protect the civil rights of all Americans.

Subsequent regulations, coupled with Federal appropriations, have enhanced greatly the ability of States and territories to more equitably serve their handicapped students. This has occurred via direct flowthrough funding to the States, as well as through the discretionary support of research, demonstration, and training projects that equip special education teachers and related personnel with proven strategies to effectively serve our exceptional children and youth, and their families. I join you today in hoping the testimony received will strengthen these mutual efforts.

I currently serve as a professor at the University of Montana and director of the Big Sky Preschool on that campus, which is funded by the Handicapped Children's Early Education Program of the U.S. Department of Education. My comments today will primarily focus on early childhood. In course work with students, and in child study team meetings with parents, I find that many people are surprised to learn that education is not a right per se of the U.S. citizenship. Instead, other rights—to due process and to equal protection under the law ensure an equitable opportunity to participate in a State's educational programs. These rights have been articulated in the Education of the Handicapped Act as well as section 504 of the Rehabilitation Act amendments.

Within the context of civil rights, it is noteworthy that the right to equal educational opportunities was addressed well before 1975. Litigation as early as 1954 established this principle with regard to racial equality. In 1972 these rights were accorded handicapped learners.

A fundamental tenet underlying litigation and congressional findings is that all individuals have the potential to benefit from education. More specifically, expert testimony provided by educational researchers in the *Pennsylvania Association of Retarded Children* v. *the Commonwealth of Pennsylvania* established that these benefits are related directly to the capability of all human beings to learn, irrespective of the degree of mental retardation, physical impairment, or sensory deficit.

Thus alternative treatments such as custodial care, so-called stimulation programs, and even well-planned educational programs which do not result in student learning, are inadequate, as determined by other cases. In 1971, *Wyatt* v. *Stickney* established that if ineffective treatment is provided, then the constitutional rights of the student have been violated.

The impetus provided by litigation and legislation has been complemented by another form of Federal leadership. In 1968 Congress enacted Public Law 90-538, the Handicapped Children's Early Education Assistance Act, which led to the establishment of the Handicapped Children's Early Education Program, sometimes known as the First Chance Network within what is now the Office of Special Education and Rehabilitative Services.

Projects funded by the Handicapped Children's Early Education Program and other units, as well as long-term collaborative efforts by private and other public agencies, including the National Institute of Child Health and Human Development within the National Institutes of Health, collectively have yielded an informative and reliable data base regarding effective educational practices. Not only have those findings provided an array of effective teaching techniques for handicapped students, they also have demonstrated how developmental, sensory, and motoric handicapping conditions can be attenuated via timely intervention.

At least two benefits accrue: Students are able to more fully participate in and benefit from regular educational programs, and taxpayers enjoy savings in the form of reduced expense for special education and related service programs.

Perhaps an appropriate question now would be: What constitutes "timely" intervention? Very simply, the earlier intervention begins, the better the results.

I would like to cite two cases from the Big Sky Preschool. These are data we collected about 2 years ago. Lee was admitted to our preschool at 23 months of age. At 6 months a tracheotomy tube had been placed in the throat to decrease laminosis and respiratory arrest emergencies. The tube prevented her from vocalizing and continued to be a detriment to speech development. She was diagnosed as having Downs Syndrome, severe cognitive delay, and severe speech delay.

During her first days of preschool, Lee was unresponsive to persons who were unfamiliar to her, was clinging to family members who transferred her in. If removed from the sight of her immediate family, she would cry with such intensity and duration a suction or breathing tube was necessary. She was unable to make any speech sounds. She could crawl but would not initiate or respond to any staff or children.

After several months of her first year in preschool, she would walk, although unsteadily. She signed 60 or more words using manual communication. She displayed no distress when left at school, and often would ignore family members when they arrived to pick her up. She enjoyed music, attempted to make the signs that went along with the musical songs. Although nonvocal, she increased the variety of speech sounds she could make.

In a 7-month period of time she showed an 11-month developmental gain and a 12-month gain in speech and language. That exceeds what we would expect from the so-called normal child.

Two years later Lee is now diagnosed as borderline. She signs 450 words and combines them in unique 2- through 5-word sentences. For example, when she first saw a picture of a panda bear, she signed it "raccoon bear." No one had taught her that. She's completely toilet trained, she runs and climbs, she's the first multihandicapped child admitted to a nonhandicapped preschool program at the university, she knows all letters of the alphabet, and she counts from 1 to 10.

In contrast to Lee, Hughy was 4 years and 4 months old when he joined the program in October. Upon initial diagnosis, he was diagnosed as having moderate cognitive and language delay. He was also significantly delayed in self-help skills. He did not dress himself and was not toilet trained. The pediatrician had advised the family to wait and see if he got better. His play was limited to tackle football games, which were initially discouraged by the school, although his father continued it at home because he wanted Hughy to play high school sports.

The playing with other children required periodic behavioral interventions. Hughy's father is a college graduate, his mother a high school graduate. After 2 years in preschool, Hughy was classified as borderline delayed when he graduated. He began the kindergarten program, and the parents refused to permit special education services. They also declined special educational testing. We do not have access to formal data, but the school reports indicate that he's falling further and further behind.

In the most recent reauthorization of the Education for the Handicapped Act, two significant changes occurred. States were permitted to spend preschool incentive grant moneys on children from birth through 2. Previously, regulations allowed only spending on services for children 3 through 5.

In addition, 30 percent of the early childhood program appropriations now must be spent on the new State grants program, each having a total duration of 8 years. In 1984, 52 States and territories participated in State implementation or planning grants. The sequence ensures that the States will assess needs for early intervention, will develop a comprehensive administration, and will have it approved by appropriate State officials.

I have three recommendations regarding the reauthorization. They are closely related to the advances made in the last reauthorization.

With regard to preschool incentive grants, two changes are recommended. Congress initially authorized $300 per counted child as a funding base for each State. Currently only about 40 percent of that sum is available to State agencies. As Kathy Kelker noted, we need an incentive in States that have not mandated services. Considering inflation, the total appropriation may not be a sufficient incentive to accomplish increased services, especially in rural States, such as Montana. It is suggested that Congress authorize the full $300 as it intended in 1975. And, second, if State agencies are going to be allowed to spend incentive grant moneys from birth through 2, we ought to be allowed to count these children also. Currently we can only count children 3 through 5.

With regard to State grants programming, there is enormous potential to encourage States and territories to install the administrative structures sufficient to cause services to be available throughout the Nation. However, it does not provide for technical assistance, so-called program development, as Mike Hagan refers to it.

Hypothetically, State regulations could ensure all handicapped preschoolers receive an individual education plan within 6 weeks of identification. However, the content of the IEP, its goals and teaching methods, could be developmentally and educationally inappropriate. Thus the handicapped student rights still would be violated as in *Wyatt* v. *Stickney*. Effective treatment and service delivery require a technical assistance course, similar in nature to the two national agencies that currently assist demonstration projects and State intervention.

The Handicapped Children's Early Education Program has such a component available via its outreach. Outreach projects are experienced with and capable of assisting schools and other agencies to deliver effective and appropriate educational and related programs via validated school models. Unfortunately, outreach projects are decreasing in numbers. Those that do exist are assured of only 1 year of funding, often competing continuation applications are due after only a few months of operation, thus precluding citation of impact and efficacy.

In 1982, the Department of Education contracted with Roy Littlejohn Associates to evaluate the entire Handicapped Children's Early Education Program. The major findings of the study included 80 percent of the 280 projects that were initially funded be continued. The study identified 2,157 replications of service models—166 results from the 3-year demonstration phase, 1,191 came from outreach projects. For every single dollar expended in the handicapped children's program, $18.37 were generated in programming for children and their families. Replication programs served 107,850.

Fifty-five percent of the children who leave demonstration projects are placed in integrated settings with nonhandicapped children, which is far less expensive than more specialized self-contained placements. Sixty-seven percent of the children who leave demonstration projects perform in the average and above average range in relation to their handicapped peers, according to the staff receiving them.

Having served as a project director for both demonstration and outreach projects, I can readily attest to the challenges of demonstration, including model development, evaluation, and validation. Appropriately not all demonstration projects receive outreach funding, although the Littlejohn report notes 80 percent endure subsequent to that funding. A return of $18.37 per dollar spent appears to be a prudent investment of scarce discretionary moneys. We have yet to factor in the savings afforded families through reduced stress, or schools to reduce special education costs.

Despite 15 years of research, we have yet to identify a special education student who is incapable of learning. I urge Congress to embrace the principles advanced in *Wyatt* v. *Stickney* and ensure young handicapped children receive effective assistance. Effectiveness can be assured via technical assistance and model replication activities made available to schools and States during and after the 8-year State grants programs. Yes, there remain many questions to be addressed by research and demonstration grants. But we need to maintain the expertise that now exists. We need to share the answers we now know. The Littlejohn data indicate that outreach projects are an effective and cost-efficient mechanism for treating effectively unserved and underserved young handicapped children and their families. If the outreach component is strengthened via increased appropriation and multiyear funding, all handicapped children programs and components will benefit from a kind of synergy. In the long run, we will all benefit.

In closing, I cite the late Carl Perkins, who in 1968 noted, "This program should be viewed as a model demonstration program and not as service program; however, programs that show promise of providing meaningful answers for education of handicapped children should at the appropriate time be evaluated for permanent legislative approval."

Thank you.

[The prepared statement of Richard van den Pol follows:]

PREPARED STATEMENT OF RICHARD VAN DEN POL

Honorable chairman and committee members, distinguished guests, colleagues and friends, thank you for the invitation to testify with regard to reauthorization of the Education for All Handicapped Children Act. Congressional insight and leadership is apparent in this landmark legislation, designed to protect the civil rights of all Americans. Subsequent regulations, coupled with federal appropriations have enhanced greatly the ability of states and territories to more equitably serve their handicapped students. This has occurred via direct "flow-through" funding to states, as well as through the discretionary support of research, demonstration, and training projects that equip special education teachers and related personnel with proven strategies to effectively serve our exceptional children and youth, and their families. I join you today in hoping that testimony received will strengthen these mutual efforts.

I currently serve as a professor at the University of Montana, and director of the Big Sky Preschool on that campus. In course work with students, and in child study team meetings with parents, I find that many people are surprised to learn that education is not a right per se of U.S. citizenship. Instead, other rights—to due process and to equal protection under the law—ensure an equitable opportunity to participate in a state's educational programs. These rights have been articulated in the Education for the Handicapped Act (PL 94-142), as well as Section 504 of the Rehabilitation Act Amendments of 1973 (PL 93-112), and subsequent regulations.

Within the context of civil rights, it is noteworthy that the right to equal educational opportunities was addressed well before the EHA of 1975. Litigation as early as 1954 (*Brown* v. *Board of Education*, 347 U.S. 483) established this principle with regard to racial equality. In 1972 these rights were accorded handicapped learners (*Pennsylvania Association for Retarded Children* v. *The Commonwealth of Pennsylvania*, 343 F. Supp. 279).

In the enactment of PL 94-142 in 1975 Congress disclosed a number of findings, including:

(1) There were more than eight million handicapped children in the United States,

(2) State and local education agencies had a responsibility to provide education for all handicapped children, but lacked the financial resources to do so,

(3) It was in the national interest that the federal government assist state and local efforts to meet the educational needs of handicapped students in order to assure equal protection under the law.

A fundamental tenet underlying litigation and congressional findings is that all individuals have the potential to benefit from education. More specifically, expert testimony provided by educational researchers in *P.A.R.C.* v. *The Commonwealth of Pennsylvania* established that these benefits are related directly to the capability of all human beings to learn—irrespective of their degree of mental retardation, physical impairment, or sensory deficit. Thus, alternative treatments such as custodial care, so-called "stimulation" programs, and even well-planned educational programs which do not result in student learning, are inadequate, as determined in other pre-1975 cases. In 1971 *Wyatt* v. *Stickeny* established that if ineffective treatment is provided, then the constitutional rights of the student have been violated.

The impetus provided by litigation and legislation has been complemented by another form of federal leadership. In 1968 Congress enacted PL 90-538, the Handicapped Children's Early Education Assistance Act, which led to the establishment of the Handicapped Children's Early Education Program (HCEEP)—sometimes known as the First Chance Network within what is now the Office of Special Education and Rehabilitative Services. At that time the host agency was known as the Bureau for the Education of the Handicapped. Projects funded by HCEEP and other units of BEH, as well as long-term collaborative efforts by private and other public agencies, including the National Institute of Child Health and Human Development within the National Institutes of Health, collectively have yielded an informative and reliable data base regarding effective educational practices. Not only have those findings provided an array of effective teaching techniques for handicapped students, they also have demonstrated how developmental, sensory and motoric handicapping conditions can be attenuated via timely intervention. At least two benefits accrue: students are able to more fully participate in and benefit from "regular" educational programs, and taxpayers enjoy savings in the form of reduced expense for special education and related service programs.

Perhaps an appropriate question now would be: "What constitutes 'timely intervention'?" Very simply: the earlier intervention begins, the better the results. For example, physically involved infants benefit from range-of-motion exercises and other forms of physical therapy. A highly educational nursery program for neurologically impaired babies can take advantage of so-called "plasticity" in the central nervous system. Sensorily involved young children learn to utilize other intact modalities, if their environment is adapted appropriately. The cumulative effects of a general developmental delay can be greatly offset if pediatricians refer infants and toddlers to structured preschool programs where intensive special educational experiences are programmed systematically. Finally, parents and siblings who receive competent guidance in the special needs of an infant or toddler are far more effective at caring for that child in the natural home, and suffer far less family stress than do those who are encouraged to "wait and see if s/he 'outgrows it' by kindergarten."

In concluding, I would like to briefly overview some current developments within the field of early childhood special education and offer a few recommendations regarding reauthorization of the EHA, specifically with regard to the HCEEP.

The HCEEP has five primary components. (1) Demonstration grants are made on a highly competitive basis, for a three year period, to develop, implement, evaluate and replicate a locally designed service project. (2) Outreach grants are one year awards that support continued replication activities of successful service models. Recipients of outreach grants must have non-HCEEP continuation of their model programs. Awards support work with other agencies to install the effective model, without the receiving agency having to "recreate the wheel" or go through the costly and laborious design—implement—evaluate cycle. (3) State projects include state implementation grants, preschool incentive grants, and state planning grants. (4) Technical assistance centers are funded to assist demonstration projects in start-up and coordination with other related projects, as well as to assist State Education Agencies to plan, develop, and implement the administration of early intervention services. (5) Research institutes are collaborative projects of HCEEP and the Research Projects Section of OSERS. Five year funding bases permit intensive longitudinal research in key areas. Three Institutes are now researching social competence and management of behavior disorders as strategies for meaningful integration of handicapped students in "regular" school programs, the effects of early intervention or family dynamics—including fathers, and collective analyses of previous early intervention efficacy data—including costs—benefits.

Two significant changes were enacted in the most recent reauthorization of the EHA (PL 98-199). (1) States were permitted to spend Preschool Incentive Grant monies on children from birth through five. (Previous regulations allowed spending on services only for children aged three through five years.) (2) At least 30 percent of the HCEEP appropriation now must be spent on the new State Grants Program, each having a total duration of eight years. In 1984 fifty-two states and territories participated in State Implementation or Planning Grants. This sequence ensures that states will assess needs for early intervention services, will develop a comprehensive state administrative plan and have it approved by appropriate state officials, and will implement said plan.

I have three recommendations regarding reauthorization of the EHA. They are closely related to the advances accomplished under PL 98-199.

PRESCHOOL INCENTIVE GRANTS

Two changes are recommended: 1) Congress initially authorized $300 per counted child as a funding base for each State Education Agency. Currently, only about 40% of that sum is available to SEAs. Considering inflation, the total appropriation may not be a sufficient "incentive" to accomplish increased services—especially in rural states with small populations. Congress should authorize the full $300, as it intended in 1975; 2) If SEAs are going to be allowed to spend PIG monies on children birth through two years, these children should be included in the child count. Current regulations allow only three through five year olds to be counted.

STATE GRANTS PROGRAM

The State Grants Program has enormous potential to encourage states and territories to install administrative structures sufficient to cause early intervention services to be available throughout the nation. However, it does not provide for technical assistance in actual service delivery. Hypothetically, state regulations could ensure that all handicapped preschoolers receive an Individual Education Plan within six weeks of identification. However, the content of the IEP, its goals and teaching methods, could be developmentally and educationally inappropriate. Thus, handicapped student rights still would be violated—as in *Wyatt* v. *Stickney* (1972). Effective treatment and service delivery requires a technical assistance source—similar in nature to the two national TA agencies that currently assist demonstration projects and SEAs. HCEEP has such a component available via its Outreach component. Outreach projects are experienced with and capable of assisting LEAs and other agencies to deliver effective and appropriate educational and related programs via validated service models. Unfortunately, outreach projects are decreasing in numbers. Those that do exist are assured of only one year of funding; often competing continuation applications are due after only a few months of operation, thus precluding citation of impact and efficacy.

In 1982, USDE contracted with Roy Littlejohn Associates to evaluate the HCEEP. The objectives of this impact study were to:

1. Determine the extent of (a) continuation of projects from non-HCEEP funds after the end of the three-year period of federal support for demonstration; (b) replication of models developed by the program; and (c) placement of children graduating from the projects.
2. Analyze factors affecting the projects' impact.
3. Collect descriptive and analytical information on some of the exemplary projects with the greatest impact.

The major findings of this study are that: Eighty percent (80%) of the 280 projects are still continuing to serve children independent of HCEEP funding.

More than 30,200 children have been served in continuation projects at no cost to the HCEEP.

The study identified 2,157 replications; 1,991 as a result of outreach activities and 166 from projects in the demonstration phase.

For every HCEEP dollar expended in programming, $18.37 has been generated in programming for children and their families.

Replication programs served 107,850 children.

For each child served directly in the demonstration projects, 6.4 children received services through continuation of demonstration projects and through replication of projects.

For each demonstration project, an average of 33 children per year were served through other funds.

Projects have been active in every state and in several territories in urban and rural areas as specified by the legislation.

Fifty-five percent (55%) of the children who leave HCEEP demonstration projects are placed in integrated settings with non-handicapped children which is less expensive than more specialized placements.

Sixty-seven percent (67%) of the children who leave HCEEP demonstration projects perform in the average and above average range in relation to their peers, according to staff of the regular and special education programs to which they graduate.

Twenty-one HCEEP Projects have been approved for dissemination by the Joint Dissemination Review Panel of the Department of Education on the basis of evidence of effective programming and cost of replication.

More than 3,000 products have been developed by HCEEP projects and widely disseminated, many through commercial publishers.

Extensive training has been requested by and provided to personnel of other agencies.

Having served as a project director for both demonstration and outreach projects, I can readily attest to the challenges of demonstration, including model development, evaluation and validation. Appropriately, not all demonstration projects receive outreach funding, although the Littlejohn Report notes 80% endure subsequent to HCEEP support. A return of $18.37 per dollar spent appears to be a prudent investment of scarce discretionary monies. And we have yet to factor in the savings afforded families through reduced stress, or LEAs for reduced special education costs.

Despite 15 years of research, we have yet to identify a special education student who is incapable of learning. I urge Congress to embrace the principles advanced in *Wyatt* v. *Stickney*, and ensure that young handicapped children receive effective services. Effectiveness can be assured via technical assistance and model replication activities made available to SEAs and LEAs during and after the eight year state grants programs. Yes, there remain many questions to be addressed by research and demonstration grants. But we need to maintain the expertise that now exits—we need to share the answers we now know. The Littlejohn data indicate that Outreach projects are an effective and cost-efficient mechanism for effectively treating unserved and underserved young handicapped children and their families. If the Outreach component is strengthened via increased appropriation and multi-year funding, all HCEEP components will benefit from a kind of synergy. In the long run, we will all benefit. In closing, I cite the late Carl Perkins who in 1968 noted that "This program should be viewed as a model demonstration program and not as a service program; however, programs that show promise of providing meaningful answers for education of handicapped children should at the appropriate time be evaluated for permanent legislative approval." (Carl Perkins, Committee on Education and Labor, Report No. 1793, 90th Congress, 2nd session, to accompany H.R. 18763, with Wilfred H. Rommel to the President, September 23, 1968, Reports on Legislation, Box 52, 9/20/68-10/4/68, Lyndon Baines Johnson Library.)

Thank you.

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Naturally, the opinions expressed are the author's own personal views. No official endorsement by the above persons or agencies should be inferred.

ADDENDUM TO RICHARD VAN DEN POL'S TESTIMONY, BOZEMAN, MT, AUGUST 27, 1985

Following are narrative summaries of two preschool students, Lee and Huey. These summaries are intended to illustrate the dramatic effects of early intervention and program consistency.

Lee.—Lee was 1 year 11 months old at the beginning of her preschool program. At the age of 6 months, a tracheostomy tube had been placed in her throat to decrease cyanosis and respiratory arrest emergencies. The tube prevents her from vocalizing and continues to be a detriment to her speech development. Lee was born two months premature. She was diagnosed as having Down Syndrome, severe cognitive delay, and a severe speech delay.

Lee was admitted to the Big Sky Preschool at 23 months of age. By that time she had spent a total of 5 months in hospital settings. She was a serious medical risk due to the tracheal tube implant and required the constant presence of an adult trained in emergency suctioning techniques. Prior to enrollment, Lee had rarely been in contact with other children or adults. During her first days in the preschool, she was unresponsive to persons who were unfamiliar to her and would cling to the family member (mother, father, or grandmother) who transported her. If removed from the sight of her immediate family she would cry with such intensity and duration that suctioning of her breathing tube was necessary. She was unable to make any speech sounds. Though Lee could crawl, she would not initiate interactions nor respond to other children or staff.

In May of 1983, after 7 months of preschool, Lee could walk, although unsteadily. She signed more than 60 words using manual communication. She displayed no distress when she left at school to the extent that she would ignore family members when they arrived to take her home. Lee worked and played with a wide variety of adults and would spontaneously engage in parallel play alongside other children and would occasionally share toys. She enjoyed music and would attempt to participate by making the signs that go along with the words of the songs. Though Lee is nonverbal, she increased the variety of speech sounds she could make. Between pre- and post-testing, a duration of seven months, she showed an 11-month general development gain and a 12-month gain in speech/language.

In most recent tests, June, 1985, Lee's diagnosis was changed to "Borderline mental retardation." She possesses a sign language vocabulary in excess of 450 words, and combines signs in two through five "word" combinations. Lee will spontaneously combine signs; for example, when first shown a panda, she signed "raccoon-bear." Lee now runs and climbs. She uses the toilet with complete independence. She can sign all letters of the alphabet and count to ten. Recognition of her accomplishments are widespread: She was recently accepted into the University's non-handicapped preschool program for the 1985-86 school year.

Huey.—Huey was 4 years and 4 months old in October 1982. Upon initial admission, he had been diagnosed as having moderate cognitive and language delays. Huey was also significantly delayed in self-help skills. He was not able to dress himself and was not toilet trained. Parents had been advised by the pediatrition that "he would outgrow it." Huey's classroom play skills were limited to a modified tackle football game. Preschool staff began toy play training and utilized behavior management techniques to reduce aggression and "tackling." His father approved Huey's educational programs, but continued tackle football at home, in part because he wanted Huey "to play high school sports."

In June 1982 testing indicated Huey's diagnosis was "borderline cognitive delay" with speech therapy needed. He was able to dress himself and had acquired increased independence in toileting. Playing was more gentle at school.

Unfortunately, parents refused permission to share preschool records with public school personnel. They reported concern about "labelling and stigmas." Parents also refused permission for the school to test Huey for "special needs programs," despite the kindergarten teacher's encouragement. Without specific testing, precise evaluations of Huey's current status is impossible. Anecdotal reports indicate that he is falling further and further behind his classmates.

Mr. **WILLIAMS**. Thank you. Mr. Bartlett.

Mr. **BARTLETT**. Thank you, Mr. Chairman. Let me begin with all three of you, but particularly Ms. Kelker and Mr. Hagen. You testified in different ways, I think— I'm trying to paraphrase—of Montana's general lack of success in obtaining competitive discretionary grants. I know the people in Montana are smarter than the rest of the country, so I am having some difficulty as to what you would have us change in Federal law.

Is there something—no doubt there is; I just don't know what it is—is there something about the way the competition for grants are secured that gives Montana a more difficult time than other States? Do you have any specific suggestions other than make them noncompetitive, which I think one of you had testified that that's what you would suggest. Do you have any other way to do it other than to make them noncompetitive?

Ms. **KELKER**. I can't speak to other kinds of grants, but in terms of the parent grant, there are 89 proposals this year and only 12 were funded. Our grant was rated number 31. So it wasn't real bad, I guess, but we got the comments back and the indication to us was that there were expectations in the grant which were not in the

RFP, the original proposal. We are not part of the political scene where some of these things go on, and so all we have is that document in front of us, the RFP to follow. That's what we did.

Some of the comments indicated that they really wanted us to do things for underserved populations, for example, Native American populations. I have to say that the whole parent population in Montana is underserved, and their expectations were further along the line than where we are. It is as though the proposals were intended for States that already had parent training centers in some aspect.

So we feel as though it would have been helpful to have the grants screened at a regional level to see if they fit regionally and are then sent on to Washington. That that might be useful. It is not that we want to avoid competition. If you have no chance to compete because you are missing some of the elements, then you feel kind of out of the game, so to speak.

Mr. BARTLETT. So at least in that case you think the RFP was skewed toward States that already had the program?

Ms. KELKER. No, the RFP was very general and appropriate, I feel. But I could tell from the comments that we got on our grant that there were expectations of those who read the grants that did not appear in the RFP. We couldn't know those expectations, because all we had was the piece of paper. I don't think anyone intends to be unfair about it. I think it is hard in Washington where these things are being done to remember that there are still States that are at the beginning, back at square one. We have never had a parent training center. We have hundreds of parents who don't know anything about this stuff.

Mr. BARTLETT. There may be some ways that we can help that in the legislation, or in the committee report, perhaps. We will look into it. I appreciate the testimony.

Dr. HAGEN. A couple comments I wanted to make is as I talk to colleagues around the country, and especially those that have doctoral programs in special education. People refer to their grant-writing machines where things are on word processors or they can review literature and send 15 graduate students to the library to do this or do that. In Montana, at least in our case, you have one bright person to sit down and write the whole thing from beginning to end and do everything else that they have to do. We just don't have the manpower to do all that. That's one area.

We can look at specifically in some areas like suburban handicapped, the University of Washington will get funded. You can pick them out. You can pick out the ones that are going to get funded because they have always been funded and they have people who can continue to write the grants and MDU's and things like that. In Montana we don't have the personnel, don't have the track record, we can't put together grants that are competing with large institutions, large programs that live and continue to survive off discretionary dollars.

I just don't think we can compete with the University of Washington. We may have good concepts, we may have good ideas, but we don't have necessarily the technical ability and time and effort to do that.

I was in Washington this spring for our discretionary projects. One came up. One was a special project of Paul Thompson's. We read a number of good proposals from small areas that can't compete with Syracuse University and things like that. Maybe there is some way to dovetail strong programs with mediocre programs and say let's work together and they can give us some expertise in research design. Fund the things that have good concepts that are needs that fill in the gaps but don't have the technical expertise in utilizing services that way.

Mr. BARTLETT. Thank you.

Mr. WILLIAMS. Both from Steve's question and from the testimony that you gave, most of you answered questions that I had developed from going over the testimony which you submitted earlier. I have one question perhaps. I will ask it of Dr. van den Pol. I understand new data is available from the Regional Resource Center in Logan, UT, concerning the effectiveness of early childhood education and intevention. I understand you are familiar with that. Can you share to some degree the results of those findings with us?

Dr. VAN DEN POL. I guess my response replicates some of what Mike Hagen just said. We have had very, very good assistance and cooperation with Utah State University, all of the programs, both the early child and others. The Early Intervention Research Institute there is investigating the collective data that we now have that speaks of the effectiveness of early intervention.

One of the early findings, preliminary findings, was, by and large, we have been so busy serving children that we haven't very carefully controlled our data to make sure we can rule out alternative hypotheses and threats to internal validation. However, of the data base that does exist of the programs that have carefully controlled pre- and post-testing, we find that overall, taking all the collective data and converting them to a process called meta-analysis to a common matrix, we find an overall gain of a half standard deviation per child.

This includes programs that we know carefully controlled conditions but didn't maybe educate very effectively. It also includes programs that had much, much greater gains than that. It is very difficult when you sit with a nonbeliever and they say, well, that nervous system is damaged, how will it be repaired through early intervention? It may be that often it is not, but it may be that other things are taught which accommodate those deficits and those handicaps.

When you speak to people who fall into the catetgory of believers, they very seldom ask the question how can we really prove it works, because they see it work. Then they ask, how can we get it to work better. I guess I share that perspective.

Mr. WILLIAMS. I thank each of you for being so helpful and being with us today.

Our final panel today is Mr. Robert Richards and Ms. Doris Helge. Mr. Richards is superintendent of the Plentywood School District, and Ms. Helge is with the National Rural Development Institute at Western Washington University.

STATEMENTS OF ROBERT RICHARDS, SUPERINTENDENT, PLENTYWOOD SCHOOL DISTRICT, PLENTYWOOD, MT, AND DORIS HELGE, DIRECTOR, NATIONAL RURAL DEVELOPMENT INSTITUTE, WESTERN WASHINGTON UNIVERSITY

Mr. RICHARDS. Thank you, Congressman Williams and Mr. Bartlett. I appreciate the opportunity to be here this afternoon. I also serve in several roles and really appreciate being able to testify. I am a parent of a handicapped child who is now 23 years old, and has completed the public education process in Montana. I began my teaching career at the western end of Montana in the small town of Plains. I have migrated to the eastern portion of the State, and now live in Plentywood. I have submitted written testimony, and would like to emphasize several things.

First of all, I would like to emphasize the very rural nature of Montana. Even the folks in Montana have a hard time realizing just how vast our State is. People that are born and raised in western Montana oftentime never even have the opportunity to travel to eastern Montana. I looked it up in an official State map, and the distance from Plentywood to Bozeman, which I traveled yesterday, is 496 miles.

In order to go to the Idaho border, I would have to travel another 318 miles, for a total of 814 miles. It is quite comical, often we are called for general meetings in Helena, which is a distance of about 500 miles from Plentywood. People in Helena have a hard time realizing that it would be easier for them to travel to northern California than it would for myself from Plentywood to travel to Helena.

I'm sure the people in Washington have even more problems trying to respond to those kinds of distances. I once answered a question from a secretary in Washington who was challenging one of the responses on a form I had filled out. The form asked for the longest distance traveled by a student in our district, and what types of road did that person travel. My response was 90 miles on gravel road. She called me, first of all questioning whether we still really had gravel roads in Montana. And second of all, if anybody would travel 90 miles. I assured her that such was the case.

Also in Montana we have the problem of varying, differing sizes of towns. We have heard some excellent testimony this afternoon from people primarily from Missoula and Billings. Billings in 1980 was listed as having over 100,000 people. Montana as a whole has a population of only 786,690. Plentywood, the town I represent, has a population of approximately 3,000 people. The total in the county is only 5,000. That is a very wide difference, and it really does create a great difference in our school districts that we serve.

I looked up the Act that you were asking us to testify on, and one of the parts said, to ensure all handicapped children have available to them a free and appropriate public education which includes special education and related services to meet their unique needs. That's a very noble statement. I think that the Act itself has done much to provide just exactly that. I guess as an administrator, one of the problems I have is following that little statement there are 70 pages of typewritten materials relating to the regulations to cover it. I guess my question is how do we in the very small towns respond to those 70 pages of regulations?

In fact, we have a neighboring town of Westby, some 6 miles to the east of Plentywood. Their student population is approximately 100 in grades K through 12. They have one special education teacher. The only hope that I see for schools with this size to be able to succeed meeting even the minimal needs of that child is a great deal of cooperation. However, I feel that the regulations themselves impede the cooperation between schools, between the schools and the state department of education, and possibly between our state department and Washington, DC.

As an administrator, I look at these grants very often. They come across my desk. The first thing they ask is your student population. At Plentywood we would serve approximately 20 handicapped students in a population of 700. Many times the regulations will call for minimum number of students to be served. If you have 20 students, you are just out of luck. That's too small. The regulations, if you look through them, are full of restrictions which are talking about the population served. I understand that the Federal dollars are trying to reach the most students that they possibly can and possibly give the most bang for your dollar.

You have been making reference to given categories of students. In fact, my fellow adminstrators have a great deal of difficulty with that. It is ironic in the 20 years that I have worked with special education, I have seen the pendulum swing back and forth.

First, we don't want to label any student because labeling the student earmarks them and the other children make fun of them, or parents—we had an instance just spoken of where the parents would not allow their child to be served in special education. Very often that's because the parents fear this labeling aspect that we are required to give. So we went through a period where we were asked not to provide names, not go provide labels on the child. The latest report that Gail Gray talked about is the exact opposite of that. We now must label the child in very exacting categories. They must be multiply handicapped, learning disabled, et cetera, et cetera, et cetera. Often, again, from an administrative point and working with the parent, those labeling and those restrictions really do make it difficult to work with the child.

Along those lines we have requirements that the child must be tested every so often, every 3 years, and so on. Very often that is necessary, and perhaps some schools have abused it. However, as a parent, I felt that once I recognized my children's handicap, that the testing became repetitive and really wasn't very useful. I guess I didn't like being told every 3 years just how handicapped my child was. Sometimes I think it would be better if we could do less testing and possibly do a better job of serving that child.

Those 70 pages, if we look from a small school point of view, would be very hard for even the people dealing with the program, your special education teacher and your administrators, to know the regulations. What we find in our small schools is that we rely very much on the State Department to help us out. We rely on that Office of Public Education and Ms. Gray and Ms. Johnson to help us find what we really are required to do by that law. I would hesitate to say, maybe with tongue in cheek, but I think of the 200 high schools in the State, a majority of the administrators probably would not know all those regulations, and it is not that they don't try, it is just that they are so comprehensive it is impossible to follow.

That's one reason that I strongly supported the attempt of the state department of education to raise that cap of $300,000 for administrative costs. Again, we are caught in the same thing. Because our State does not generate a large amount of money, the 5 percent for administrative cost is not enough to really cover the needs of the state department. Again, I think we are caught in that rural State-type thing.

At the beginning of the hearing you mentioned the requirements of data reporting. I serve as the director of a co-op. We serve seven schools with a student population of approximately 1,400 students. I more or less inherited the job because I was the one more interested in special education and willing to put in the time. One of the things we had to do was to fill out a form for part BGB for the VLA flowthrough money.

None of the seven schools in itself could meet the restrictions on population so that they could apply individually for the grant. Therefore, I combined it and applied. When I got the packet I almost had a heart attack. In fact, I calculated it out. According to the responses that it would take, I would have had to fill out 3,000 paragraphed written statements in order to complete the application. Again, the State department bailed me out. They gave a lot of help, and we did meet the necessary deadline and we, as a school, the seven schools, will receive approximately $25,000 to help our program.

Another area that we have mentioned today is the transition program. I feel this is a very important project. We must complete it. Along with Kathy, I feel in Montana we are just starting, and I think it is the individual schools themselves that are doing the work. The preschool mandates, I know that there is some interest in the State, a large amount of interest in the Billings area. They are fortunate enough to provide preschool services.

As an administrator, and when it came up in the legislature, I'm totally in favor of it, with one condition: That we have the dollars to meet the mandates that are given. Too often our laws are mandating services from the school board and they are not providing the dollars to flow with it. This is happening both at the State and the Federal level.

Finally, I would suggest the key to any program, whether it be our two teacher program in Plentywood or the program in Billings, remains the teacher. No matter what kind of laws you pass, buildings we build, or money we spend, unless we have teachers to implement that program, we are not going to be successful.

I don't really have any answers, because I, like Kathy, see our students in high school moving away from the teaching profession. I think this is a national problem. It certainly is a State problem we will have to address. If it means higher teacher salaries, more recognition for teacher services, whatever, we will all have to join together and provide that. Failing that, I see no hope in terms of teacher training.

Finally, I would like to thank you again for being here. The efforts that you have put forth so far have been very beneficial. I hope my testimony has been of some help.

[The prepared statement of Robert Richards follows:]

Prepared Statement of Robert Richards, Superintendent, Plentywood Public Schools, Plentywood, MT

Re: Testimony on Reauthorization of the Handicapped Act.

I am honored to have been selected by this committee to present testimony relating to P.L. 94-142 and its various amendments. The rural nature of Montana is apparent to anyone who has traveled our magnificent state whether by car, or train or even air. Problems presented to education because of the states rural nature can only be experienced by those actually involved in the process, similar perhaps to travelers who attempt to traverse our state by bicycling or foot travel.

The official state highway map lists the distance from Plentywood to Bozeman at 496 miles, to reach the Idaho border through Missoula requires another 318 miles for a total of 814 miles. Helena to Plentywood is a distance of 505 miles and Plentywood to Billings is listed at 355 miles. Westby is a small town only 26 miles from Plentywood but the highway between usually is closed by severe winter storms each year. Recently I totally frustrated a young lady from Washington, D.C. by repsonding to a question of student distance travelled each day with a response of 90 miles on a gravel road. She could not comprehend a student travelling 90 miles per day to school or the fact that each road in the country was not paved.

Not only are the towns in Montana isolated by distance, they vary greatly by size. The total Montana population in 1980 was 786,690, less than most cities in the eastern States. Plentywood is a town of 3000 located in Sheridan County with a population of 5400. Billings, our largest city, has over 100,000 people. Most of the 200 high schools in Montana are smaller than Plentywood which has a student population of 170. Reg. 300.1 of the act you are considering states its purpose as:

"(a) To insure that all handicapped children have available to them a free appropriate public education which includes special education and related services to meet their unique needs."

The regulations require 70 pages of typewritten materials. So how does Westby located 531 miles from our state capitol and with a student population of 100 in grade K-12, comply with PL-94-142? The handicapped child in Westby may need the same help as one in Plentywood or Billings or New York City. Westby Schools will first look to its own resources for help, then our Sheridan/Daniels Special Education Co-op and most importantly to our special education staff in the Office of Public Instruction in Helena. The key to success for this handicapped student may well be the degree of cooperation between all of the educational agencies in Montana for certainly Westby cannot provide services by themselves. The regulations themselves may be the greaterst hindrance to cooperation. Throughout the 70 pages you will find restrictions to populations served, references made to percentages of given categories, (ie % of LD vs general student population) and priority given to programs serving multistate regions or large populations centers. Our schools need flexibility in order to function. We rely on our state office for help in teacher inservice training, for implementation of exemplary programs, for leadership in complying with the law. I strongly support the amendment to raise the cap of $300,000 for administrative costs so that our state office can continue and even improve its present services.

This spring, as director of the Sheridan/Daniels Co-op, I completed the application for Part B flow through funds. Our Co-op serves seven schools with a total student population of approximately 1400 students. None of the seven schools could meet the minimum number of students required, thus the Co-op made the application. To completely fill out all responses would have required over 3000 written responses. It was only with the help from our State Office that the form was completed and those funds made available to our schools. While the regulations may apply to the very large schools I question their value to Montana. Many fellow administrators question whether the effort required for the application was worth the funds received.

Significant progress has been made with our special education programs in the last ten years. Without the help of P.L. 94-142 my daughter Yvonne might well be in an institution such as Boulder today. She is now 23 years old and is a client at Eastern Montana Industries in Miles City. This group home provided an answer for our family as Yvonne reached adult age. Most important to our family is the fact that Yvonne is happy and content with her life. In Plentywood our school has worked cooperatively with the Glenwood activity center by placing high school aged handicapped students in their program on a part-time basis. Transition from public schools to adult programs remains a primary concern in our long range planning.

The key to any school program remains the teacher in charge. No law, or new building, or great amounts of money spent can guarantee a child's education. Since the handicapped require even greater efforts for each achievement accomplished quality teachers are essential. Our small schools not only have a difficult time in recruitment of special education teachers, we often lose our best teachers to larger systems. A constant effort must be made to provide quality in-service training with the help of our State Office of Education. Even though our student numbers might fall short of those of the population centers our teachers, due to their isolation, need the retraining service the most. In Westby there is one resource teacher whose nearest help is the two special education teachers teachers in Plentywood. In New York City there must be a thousand special education teachers to help one another. Which teachers would you consider need the most help?

I applaud your efforts to improve the quality of Special Education in our Public Schools and hope that my input might be useful in your deliberation.

Mr. WILLIAMS. Thank you, Mr. Richards. We appreciate your testimony.

Ms. Helge, we have your testimony, we appreciate all of it. As you know, we are limited on time. We ask you to summarize and we will place your testimony, as we will the testimony of each of the witnesses, in its entirety in the hearing record.

Please proceed.

Ms. HELGE. Do you want me to summarize now?

Mr. WILLIAMS. Yes.

Ms. HELGE. I do bring a thank you from about 200 people that we called from our office in preparation for the testimony because they are extremely thankful that you are focusing on rural special education. These people are members of the organization.

To summarize for the people who haven't heard it, as well as to emphasize some points for you, we do have a critical personnel preparation shortage and we see that as one of the most major issues right now in rural special education.

In the document that you have, it gives an overview and says that there is a critical need to actually iron out for the Department of Education a definition of what rural really is.

There is an example of one definition that has been used since 1978, which we feel should be looked at by the Department for Internal Data Gathering purposes. Because until that problem is straightened out, many of the others can't even be worked on.

We don't even have now, in other words, at the department level an understanding of rural versus nonrural performance. The data that is gathered is only as accurate as what is turned in.

The States and the Federal Government require certain data that, unfortunately, local districts don't like to turn in. We need some anonymous data gathering about what services are really needed. That is what we would like you to emphasize as you read through this document.

We have five major recommendations. Again, just to summarize, and noticing that the document does contain a global list of problems we found in the research in the last few years, and also a pretty global listing of it.

The first is to look at four legal mandates that exist when we are talking about rural special education. The National Commission on Excellence report is another. I know, Congressman Williams, you are interested in a summit meeting coming from that. You will note the back insert that is orange deals with a response that we hope you will consider.

Section 206 of Public Law 96-88 and the Rural Education Policy for the 1980's that was issued by the Department of Education both state that the Department of Education will provide equitable services for rural areas. This is not happening. We all know that. I am sure that is one of the reasons you organized this effort today. Unfortunately, this will get worse. Rural populations are growing except in farm areas. Identified numbers of handicapped children are increasing. The cost of services are increasing.

So many children as we talk today are entering the secondary and transition phase. There is a new baby boom upon us. The poverty level is growing in rural areas, and again personnel shortages are already acute. They can go nowhere but become more acute. That is because of the other opportunities that continue to be available to people who formerly might have gone into rural special education and also because of the market for educators in general.

Half of the teachers in this country are going to retire within the next few years, and we are talking about lots of rural America, because, as we know, we have a higher number of people who are older teachers in rural areas than nonrural areas.

So our five recommendations deal, No. 1, with responsive policy and regulatory interpretation. We are talking about a very simple premise, and that is not consistently looked at, and that means recognition of the diversity of rural subcultures. You will note on page 5 of the document, you have a diagram that really looks at the diversity. We are talking about schools from 1 to 10 kids in a remote ranching territory, perhaps in Montana, perhaps in west Texas. Ranging from that to a village in Alaska to the small cluster seacoast towns in New England—tremendous diversity, primarily divided by factors like population density and topography.

Once that is recognized and the department begins to deal with that, then we can look at specific service delivery strategies that tend to work in a given type of subculture. If we are trying to serve a student who is of preschool age who has mental retardation and has no speech therapist available, has perhaps a school board that has not particularly decided to implement 94-142, the strategy is really different than the strategy required to deal with the child whose principal problem is that they are 400 miles from the nearest service and they have spring floods every year, climatic problems, storms every winter that keeps out-of-town service from getting to that particular student.

Another component of that responsive policy interpretation deals with requirements such as those that you mentioned, the $7,500 requirement. It is a boon for most areas that we have special education cooperatives. It does not need to be looked at closely because, again, isolated areas, it is difficult sometimes even to cooperate in a collaborative way for services—again, looking at the weather patterns, looking at the extreme distances between the service provider and the student, and looking at the personnel burnout problems which are becoming more and more acute.

We ask that you also consider policy decisions, particularly when they have to do with serving kids with severe handicaps. When we did this little survey for this testimony today with people at residential centers in rural areas, I think their point is very cogent that even in a case like a residential institution, we all want the least restrictive environment policy for a particular child. It is not always possible in rural areas. There frankly are not enough kids to be served always by local school districts if the area is extremely remote.

I think we ought to take the tact of encouraging the residential institution to integrate that child into the community as quickly as possible, to train the community, and we do have some excellent examples for that. For example, a situation that I mentioned in the testimony. We do not recommend that all across the board. What we say in rural areas, sometimes that is the only solution.

We ask also that you consider the second recommendation of increased agency accountability, meaning that the Department of Education in its annual report for Congress on Public Law 94-142, and also the Department's annual report on section 206 of Public 96-88, should have to make a statement about how Public Law 94-142 is being implemented in rural areas. That is not currently a requirement, and I don't feel like rural areas are being equitably treated because of that.

Underneath the increased agency accountability recommendation there is the area of discretionary grant priorities. Since we work with rural districts across this country, I can quite confidently tell you that Montana's problems you have heard today are not isolated instances. It is necessary that discretionary grant programs begin to say we have a priority for rural.

There is a built-in disadvantage on the point of reviewers. From the point of view they express that, many of the rural areas have a more serious problem competing because of the sparse populations and the numbers game we all must play when we look at national and Federal politics.

The numbers of grants are disproportionately small. There are other ways, though, that the Department could be supportive. For example, the division of assistance to States needs to be encouraged to collect better information. The Division of Innovative Development needs to deal with research and demonstration programs across the board in discretionary programs.

I would also encourage that the task forces that exist and that are created in the Department of Education encourage and maybe even decide to build in a factor that they have to have not only field involvement from rural areas but also congressional staff involvement. I think this will bring more accountability.

Third, I would encourage you to consider the creation of a national clearinghouse on rural special education. The existing clearinghouses, such as ERIC, and the National Information Center on Handicapped Children and Youth, do an excellent job for what they are designed to do.

There is a serious gap. That gap has to do with data gathering, and that means statistics and strategies that really make sense in particular kinds of rural areas. Again, thinking back to the diversity on page 5 of that document.

Also, one role a clearinghouse could take would be for information dissemination. When we are talking about that, we are not talking about the typical model. We are talking about information that is disseminated through ongoing rural technical assistance.

Co-op county extension workers go out in this country every day. They could be taking information with them as do home health agents. Many other ongoing service providers like that should become part of an information dissemination network. So a clearinghouse would deal with things that make sense in the rural areas.

The clearinghouse should also deal with recruitment issues. We have all talked about personnel training and availability. There are truly disincentives in working with rural areas. We ought to be talking about exchange centers, career ladders that are realistic, and, as you know, the career ladder concept mentioned was not one that makes sense in rural areas.

We ought to have that clearinghouse deal with retooling and with student scholarships. We have started a small effort which we call a National Clearinghouse on Rural Scholarships. What we are doing is soliciting information from the universities and other sources to find out what scholarships that are currently available for students in rural areas. That could be extended so we really can begin to encourage people to specify a scholarship. Then we can have some impact on some of these areas that are so hard to bring people into.

Another function of the clearinghouse could be development of validated preservice curricula. There have been some efforts in that direction. In fact, they have won awards from the American Association of State Colleges and Universities, but they are very foundation curricula. Much more needs to be done. The bottom line on that is that it needs to be a regionalized type of curricula. What makes sense in eastern Montana doesn't make sense for western Montana, nor does it make sense for Georgia, for south Texas. I think you get the feeling from what I am saying we have to go to region-specific efforts.

We have also got to study State certification issues, identify those that would be responsive to rural needs and meet the quality dimensions. It is not only the fact that State education agencies demand specialized certifications, and reciprocity is not available from one State to the next, but we need to take a serious look at when do we really need a specialized person.

When can other technological advances make the difference so we can bring in some expertise from the outside? When can peer professionals be the most effective?

When should we retool current people who are, for example, a regular educator and they could be retooled to serve some of these specialized functions? We need to focus on interstate and regional solutions and it needs to be a very serious look.

There is a national rural education research agenda that has been defined. It has not been implemented, and you have a copy of that on the way back with you to Washington, DC. You also have a data bank book that tells what we currently have.

In other words, what we need from the national perspective and from the Federal Government is direction for that. That does not mean only funds, because we are talking about a very cost-efficient process. The network is already set up. What we are talking about is using all resources of the Department of Education, technical assistance, staff time, and other things that really in essence are almost free compared to some of the things that all of us typically ask for when we ask for money.

Internal data collection is also an area that the paper addresses, and I don't think I will go into that now because of the time, but the bottom line is consistently defining rural from the Federal perspective. Then using existing resources, census data takes are not used. The National Commission on Education Statistics records are not currently used. It is inexcusable enough that they were not even collected until 1983 for schools under 300 population. But the fact is now that they are not used. I think we need a push from your direction and from the Department of Education to make those viable.

The last part is interagency responsibilities. The Department of Agriculture has done a significant amount in education, in rural education, obviously, for years. That has not been interfaced with the Department of Education. Neither has relevant work from the Departments of Labor, Commerce, and Transportation. So I think we need to look at some interagency responsibilities, and I think you can provide direction for that.

In summary, you do have needs data in that direction. You have data looking at progress that has occurred, which has been tremendous. We are asking that you consider a comprehensive approach, because we feel like rural kids deserve that, and there are congressional mandates in that direction.

Page 42 we ask you to pay attention to because it outlines bits and pieces of what we think could occur to enhance the quality. The five key elements we are talking about is a responsive policy in regulatory interpretation, increased accountability regarding Public Law 94-142 from the Department perspective, including congressional reports, including implementation of the rural agenda, research agenda, initiation of the clearinghouse concept, and consistently looking at data needs internally and interdepartmentally. Those are the primary things we emphasize.

Again, thank you very, very much for considering this area and giving it the due prominence it should have.

Mr. WILLIAMS. Thank you.

[The prepared statement of Doris Helge follows:]

PREPARED STATEMENT OF DORIS HELGE, PH.D., EXECUTIVE DIRECTOR, AMERICAN COUNCIL ON RURAL SPECIAL EDUCATION [ACRES], WESTERN WASHINGTON UNIVERSITY, BELLINGHAM, WA

EXECUTIVE SUMMARY

The problems involved in providing special education services in rural areas have been well documented. The population sparsity, geographic isolation, inclement weather patterns, and other factors of rural America combine to create obstacles to services, particularly those that must be accomplished by itinerant personnel shared by more than one district. Additionally, rural special education has the most critical pesonnel shortages of any area of education.

Legislative mandates exist that are supposed to ensure that rural students with disabilities receive appropriate educational services. These include the U.S. Department of Education Rural Education Policy for the 80's, Public Law 94-142, and Section 206 of Public Law 96-88. Although substantial progress has been made since passage of P.L. 94-142, critical problems remain. It is imperative that a comprehensive approach be taken to ameliorate current problems. Congress must provide policy, appropriations, regulations, and oversight.

This document makes a number of recommendations that will ensure equity for rural constituents. They focus on the following items:

1. *An increase in Department of Education accountability.*—This includes a requirement for reporting the progress of rural schools in meeting PL 94-142 as part of the Annual Report to Congress and in the annual Congressional report dealing with the implementation of the Department's Rural Policy for the 80's. The accountability thrust also should require that the Department publish "rural" as a priority for discretionary programs and that a "National Clearinghouse on Rural Special Education" be established. The Clearinghouse would meet critical service gaps by engaging in activities including: rural special education teacher recruitment; rural special educator preservice curriculum development; information dissemination regarding effective rural service delivery strategies (to rural schools and families of students with disabilities); and national, inter-state, and regional teacher certification procedure reforms to make certification more responsive to rural schools.

2. *Policy and regulatory interpretation.*—Is stringent enough to meet Congressional mandates yet flexible when necessary for rural implementation.

3. *Implementation of an empirically determined national rural education research agenda.*—Resulted in the identification of critical research questions that must be answered. Studies regarding these questions will assist in determining the most effective and least costly methods of educating handicapped students in rural and remote areas.

4. *Consistent, serious internal Department of Education data collection processes.*—These include use of a consistent defintion of "rural", requiring that states collect "rural vs. nonrural" data, and in other ways making it possible to identify rural needs and effective service strategies.

5. *Interagency collaboration* between the Department of Edcuation and relevant departments such as the Departments of Agriculture, Commerce, and Health and Human Services. This collaboration is required by the Federal Interagency Committee on Education and Section 206 of PL 96-88, but has not occurred. It is essential for effective service delivery at the local level.

SECTION 1—RURAL SPECIAL EDUCATION: NEEDS AND PROGRESS

Introduction

Thank you for asking for my testimony regarding needs in rural special eduction, progress in implementing PL 94-142 in rural areas, and suggested Congressional action. I represent the American Council on Rural Special Education (ACRES), the only national membership organization specifically concerned with enhancing services for rural individuals with disabilities. Our members include rural service providers and parents in all 50 states.

My personal experience has included living and working in rural areas in three states, Texas, Kentucky, and Washington. I have also consulted with rural school districts and service agencies in over 40 states.

ACRES has been responsible for numerous studies which have been used in previous Congressional testimony, a national rural education research agenda, the development and validation of rural special education service delivery strategies, and preservice and inservice curriculum. Our rural special education preservice curriculum was recently honored with a national "Showcase for Excellence Award" given by the American Association of State Colleges and Universities (AASCU).

Our services include an electronic telecommunications system for rural schools, operation of a National Rural Education Research Consortium, a National Consortium of Universities Preparing Rural Special Educators, a national rural scholarships clearinghouse, national conferences, the Rural Special Education Quarterly, etc.

ACRES works with all relevant national special education and rural education organizations and has solicited information for this testimony from such agenices as well as from our members. Our constituency has asked that we thank the U.S. House Subcommittee on Select Education for sponsoring this hearing. We know that Congressman Williams and others have been responsible for a great deal of the support for PL 94-142 funding and have urged that a "submit" be held as a followup to the National Commission on Excellence in Education report, *A Nation at Risk.* We ask that this committee refer to the publications referenced in this report including the ACRES "Response to the National Commission on Excellence in Education . . . From the Rural Perspective". (See Appendix C.) ACRES members also applaud the intent of the report of the National Commission, but we note that critical issues must be addressed if rural school children are to receive appropriate educational experiences. Differences in rural and non-rural schools must be recognized by policy makers and implementors, and appropriately different strategies of implementing Commission recommendations must be provided.

THE UNIQUENESS OF THE RURAL SPECIAL EDUCATION CONTEXT

Rural schools have distinct educational environments and unique strengths and weaknesses. For example, rural areas have much higher poverty levels than non-rural areas, and rural schools serve greater percentage of handicapped children. Even though rural populations are increasing, their tax bases are not. Rural schools contribute greater percentages of their local resources for education. However, rural services cost more than similar services in urban areas because of expensive factors including transportation requirements and scarce professional resources. On the positive side, rural America still has a relatively high trust factor, close family ties, and a "sense of community." In fact, rural citizens still evidence a willingness to volunteer to help those with disabilities.

THE DIVERSITY WITHIN AMERICA'S RURAL SCHOOLS

Rural subcultures vary tremendously. They range geographically from remote islands and deserts to clustered communities, and economically from stable classic farm communities to depressed lower socioeconomic settings and high-growth "boom or bust" communities. The array of rural schools ranges from isolated schools serving as few as 1 to 10 children in a location 350 miles from the nearest school district, to schools located in small clustered towns or surrounded by other small districts.

The problems of serving a cerebral palsied child in a remote area with no physical, occupational, or speech therapist, and where 250 miles exist between that child and the next cerebral palsied child, are quite different from problems encountered in a more clustered rural area where the chief barrier to service delivery is administrative apathy. Obviously, location has tremendous implications for proximity to resources, expecially highly specialized services such as physical or occupational therapy.

Figure 1 may be helpful in conceptualizing the diversity of rural America's school systems. Each of the variables listed has individual ramifications for service delivery. For example, the administrative structure has implications for securing extra-school resources. A district that is part of a cooperative can usually obtain the services of an occupational therapist more easily than can a single isolated district.

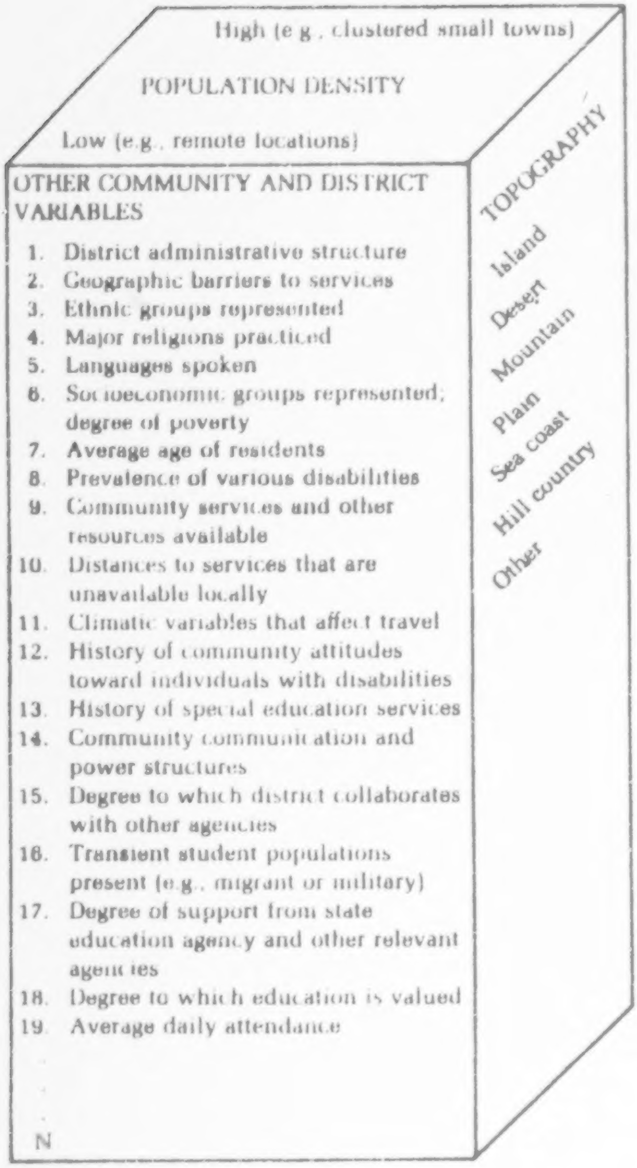

High (e.g., clustered small towns)
POPULATION DENSITY
Low (e.g., remote locations)
OTHER COMMUNITY AND DISTRICT VARIABLES
1. District administrative structure
2. Geographic barriers to services
3. Ethnic groups represented
4. Major religions practiced
5. Languages spoken
6. Socioeconomic groups represented; degree of poverty
7. Average age of residents
8. Prevalence of various disabilities
9. Community services and other resources available
10. Distances to services that are unavailable locally
11. Climatic variables that affect travel
12. History of community attitudes toward individuals with disabilities
13. History of special education services
14. Community communication and power structures
15. Degree to which district collaborates with other agencies
16. Transient student populations present (e.g., migrant or military)
17. Degree of support from state education agency and other relevant agencies
18. Degree to which education is valued
19. Average daily attendance
N
TOPOGRAPHY
Island
Desert
Mountain
Plain
Sea coast
Hill country
Other

FIGURE 1. Dimensions of the diversity of rural school systems.

Two key variables of service delivery are population density (Are there an adequate number of students with a given disability so that a district can "afford" to hire a specialist?) and topography (Does a mountain with untraversable roads at certain times of the year inhibit transportation of services to students?). Interaction of these two dimensions with that of "other community and district variables" further individualizes a district. Change of one variable in any of the three dimensions further differentiates a given community from others. Because this is an open model, the number of possible types of rural communities is infinite (...N). In fact, the National Rural Research Project catalogued over 300 combinations when conducting on-site visits during 1978–1982.

THE IMPACT OF INCONSISTENT DEFINITIONS

One of the most significant obstacles to thoroughly assessing the effectiveness of rural special education services has been the absence of a consistently applied definition of the term rural among federal agencies, educators, and professional organizations. The inadequacies of data available to compare rural and urban districts may be partially attributed to the problem of defining rural education.

Most federal agencies have no definition or requirements for gathering data on rural performance versus non-rural performance. Data on rural schools collected by the National Center for Education Statistics (NCES) have frequently been summarized with data from large school districts. Furthermore, data were considered unimportant and completely deleted for districts which enroll under 300 students. This has occurred in spite of the fact that 25% of the operating public school districts in the United States enroll fewer than 300 students each (Williams & Warf, 1978). The NCES did not initiate processes to report data on districts with fewer than 300 students until March of 1983.

Many data-gathering bodies have defined rural solely by using population figures. Unfortunately, various data collection agencies and students have used different definitions in studying rural school populations, depending on the types of data being collected, the purposes for data collections, and staff and resources available.

A rural school district has commonly been defined as one having fewer than 1,000 students, although figures as high as 2,500 have frequently been used. Population-based definitions of "rural" may inadvertently include non-rural districts. For example, if the local education agency (LEA) being classified is a large county school district, it may have a larger enrollment than 1,000 or even 2,500 yet still be very rural because of the sparsity of its population. In addition, strictly defining a rural district as fewer than 1,000 or even 2,500 students may inadvertently result in the inclusion of suburban areas. One may readily ascertain some of the potential problems when special education cooperatives are being considered. This is particularly true because of the historical emphasis on consolidation of rural districts. A population-per-square-mile definition is more functional even though total geographical square miles may differ.

ONE WORKING DEFINITION OF "RURAL"

The following definition is based on a modified census definition and consideration of the tremendous diversity in rural schools and communities across the United States. This definition was used in 1978-1983 research projects funded by the U.S. Office of Special Education Programs (SEP) and conducted by the NRP. "A district is considered rural when the number of inhabitants is fewer than 150 per square mile or when located in counties with 60% or more of the population living in communities no larger than 5,000 inhabitants. Districts with more than 10,000 students and those within a Standard Metropolitan Statistical Area (SMSA), as determined by the U.S. Census Bureau, are not considered rural."

THE NEED FOR QUALITY RESEARCH

Partially because of definitional problems, little data collection occurred concerning rural education or rural special education until the late 1970's. Urban service delivery models have historically been recommended and unsuccessfuly applied to rural schools. Practices successful in one specific type of rural subculture have also been transported, without adaptation, to other rural subcultures and have failed.

STATUS REPORT ON SERVICE DELIVERY

A study involving 75 school districts and cooperatives in 17 states was commissioned by the SEP to compare services to rural handicapped students before and after the implementation of PL 94-142 (Helge, 1980).

The sampled districts and cooperatives were selected for their geographic, cultural, and socioeconomic representatives. State education agencies (SEA's) had been requested to select LEA's/cooperatives with widely variant performance regarding PL 94-142 implementation. Two-day on-site visits in each district involved interviews with persons at all levels of the organizations. Follow-up telephone interviews gained additional information and detected divergent responses during "crisis" and routine periods. Consistencies and discrepancies between SEA and LEA responses were also noted.

The sampled districts and cooperatives exhibited significant improvements in programs and services offered and in the types and ages of handicapped students served. Achievements included a 92 average increase in the number of handicapped students identified and served since the passage of PL 94-142.

Table 1 indicates the percentage of various services before and after the implementation of PL 94-142. Column 3 of Table 1 indicates the percentage of change in available services before and after implementation. Percentages of change in the number of districts providing services before and after implementation ranged up to 1,525. In a majority of the rural schools sampled, services such as physical and occupational therapy and programs for severely handicapped students were in place for the first time. Procedures for due process, parental involvement procedures, and individual education programs (IEP's) had been established.

TABLE 1.—PERCENTAGE OF CHANGES IN AVAILABILITY OF SERVICES BEFORE AND AFTER THE IMPLEMENTATION OF PL 94-142 IN RURAL SCHOOL SYSTEMS

[n = 75 districts and cooperatives]

	Before Public Law 94-142 (percent)	After Public Law 94-142 (percent)	Percent change
No services for any handicapped students	05	0	−100
No services for severely handicapped students	09	01	[1] −88
No services for 16- to 21-year-old handicapped students	27	01	[1] −[illegible]
No health services	19	0	−100
Services for 3- to 4-year-olds	07	63	[1] +743
Services for 19- to 20-year-olds	36	72	+100
Services for multihandicapped	0	47	([2])
Services for physically handicapped	07	47	[1] +571
Services for visually handicapped	17	57	[1] +235
Services for emotionally disturbed	09	52	[1] +478
Services for hearing impaired	25	60	[1] +140
Services for learning disabled	27	79	[1] +193

[1] Significant at the .05 level.

[2] Increase infinite; statistic cannot be calculated.

In spite of this progress, the sampled districts and cooperatives reported major problems implementing PL 94-142. These included difficulties recruiting and retaining qualified staff, resistance to change, the need for staff development, long distances between schools and services, cultural differences, geographic barriers, transportation and funding inadequacies, problems providing support services, and problems with interpreting PL 94-142 regulations in rural areas. These factors affected district abilities to ensure procedural safeguard requirements, and to otherwise fully implement the law.

AN UPDATE ON SERVICE DELIVERY PROBLEMS

In January, 1983, a telephone survey, funded by the U.S. Office of Special Education Programs, was conducted to gather original data and to update 1978-1982 NRP studies. A total of 200 special education administrators from 200 rural local school systems and cooperatives in all 50 states (4 from each state) were involved. The survey was designed to provide a state-of-the-art synopsis of facets of rural special education service delivery. Respondents also included representatives of the Bureau of Indian Affairs (BIA) rural schools (Helge, 1983).

Respondents were representative of various rural economies, population densities, and types of organizational structures. The study covered topics including service delivery problems and effective strategies, personnel needs, certification problems, strengths and weaknesses of rural special education personnel preparation programs, and emerging technologies related to programs for rural handicapped students. An overview of some of the more significant findings is represented in the sections that follow.

MAJOR PROBLEMS IDENTIFIED

Table 2 illustrates major problems identified by respondents when asked to state in rank order the greatest problems faced by their districts/cooperatives as they attempted to serve rural students with handicaps.

Table 2.—Major problems in serving rural handicapped students

[n = 200]

Problem	Percent
Funding inadequacies	74
Difficulties recruiting qualified staff	66
Difficulties retaining qualified staff	64
Transportation inadequacies	60
Providing services to low-incidence handicapped populations	52
Need for staff development	50
Resistance to change	46
Providing support services	44
Negative attitudes of school personnel and communities toward handicapped students	42
Long distances between schools and services	42
Involving parents	40
Professional isolation	40
Climatic problems and marginal roads	32
Problems of geographic terrain	32
Cultural differences	32
Difficulties involved in serving transient populations	28
Post-high school services	26
Inadequate facilities	20
Foster care inadequacies	18
Planning difficulties because of "boom or bust" economies and populations	16
Interagency collaboration	8
Housing inadequacies	8

Major service delivery problems identified in this study were relatively consistent with those found in the National Comparative Study (Helge, 1980) funded by the SEP. The major noteworthy differences were increases in the percentages of respondents naming funding inadequacies (up from 56% to 74%), transportation inadequacies (up from 34% to 60%), and difficulties providing services to low-incidence handicapped populations (up from 39% to 52%).

Respondents said the following factors were primarily responsible for these significant increases: (a) fiscal inflation; (b) increased numbers of handicapped students identified and served (a 92% increase after implementation of PL 94-142); (c) a sufficient period of time elapsing since initiation of PL 94-142 to determine services needed and to experiment with provisions of the IEP; and (d) tremendous revenue shortfalls and other funding problems experienced by numerous states and impoverished rural communities.

PERSONNEL NEEDS

Respondents were asked, "What special education and supportive positions are most needed in your district but are nonexistent, unfilled, or not funded (cut back because funding for a position was rescinded)?" Table 3 responses to this question.

TABLE 3.—SPECIAL EDUCATION AND SUPPORT POSITIONS NEEDED BUT NONEXISTENT, UNFILLED, OR NOT FUNDED

[n = 200—Each entry reports the percentages of the total number of respondents with a given response]

Position	Nonexistent (percent)	Unfilled (percent)	Not funded (percent)	Average (percent)
Social worker	10	3	16	9
Guidance counselor/therapist	6	0	0	2
Psychologist	10	0	6	5
Vocational education teacher	3	0	6	3
Vocational rehabilitation staff	0	0	3	1
Occupational therapist	3	10	17	10
Physical therapist	6	27	23	19
Speech pathologist/language therapist	3	23	17	15
Audiologist	0	0	3	1
Hearing impaired teacher	0	3	0	1
Learning disabilities teacher	12	10	10	11
Teacher of the emotionally disturbed	3	6	6	5

TABLE 3.—SPECIAL EDUCATION AND SUPPORT POSITIONS NEEDED BUT NONEXISTENT, UNFILLED, OR NOT FUNDED—Continued

[n = 200—Each entry reports the percentages of the total number of respondents with a given response]

Position	Nonexistent (percent)	Unfilled (percent)	Not funded (percent)	Average (percent)
Resource room teacher	0	6	0	2
Teacher of the gifted	0	3	6	3
Nurse	3	0	3	1
Low-incidence/itinerant personnel	3	17	20	13
Teacher of trainable mentally retarded	3	0	3	2
Paraprofessionals	0	0	3	1
Preschool teachers	0	0	6	2
Adaptive P.E. teacher	0	0	3	1
Personnel adequate	NA	NA	NA	17

Respondents generally reported that low-incidence/itinerant positions (including physical, occupational, and speech therapists) were most often needed but did not exist. Personnel recruitment and retention problems (noted to be a major problem by 66% and 64%, respectively, of those sampled) were directly related to the descriptions of special education and support personnel needed. Only 17% of the districts/cooperatives surveyed related that they had an adequate number of special education personnel. An increasing concern of the SEP has been that standards for hiring rural personnel have been lower than standards in non-rural areas. The data from this study corroborated this concern (e.g., 92% of the respondents reported that emergency certification was "available and frequently used"). Respondents also stated that temporarily certified personnel were not well qualified for their positions.

EFFECTS OF TEACHER CERTIFICATION GUIDELINES

The majority of the respondents (59%) related that certification guidelines were too specialized for rural programs. For example, most states mandate that one or more areas of specialization occur in training. The LEA respondents felt that such a requirement was inappropriate for service in rural areas, where working with a variety of low-incidence handicapping conditions is typically required. In fact, numerous states have initiated certification requirements responsive to rural service delivery problems, and many are investigating how they may be more responsive to rural service problems.

INADEQUACIES OF PRESERVICE TRAINING

Teacher training institutions generally do not consider special rural needs and circumstances when designing training programs. The vast majority (97%) of respondents stated that they had not been trained specifically for work with rural handicapped students. Only 10% described their preservice training as adequate for their work in rural communities. Respondents felt particularly strongly about the need for generalizable non-categorical skills because most rural special educators work with a variety of handicapping conditions and have few specialists available.

STATUS REPORT ON RURAL SPECIAL EDUCATION COLLABORATIVES

Collaborative structures facilitating the delivery of special education services have existed for decades. These include:

1. State-mandated special district systems and education service agencies.
2. Cooperatives formed by local district initiation.
3. Regional or decentralized state education agency systems providing no direct services.
4. Other interorganizational structures, including district contracts with private or community agencies; cooperative:cooperative or cooperative: LEA agreements; interstate collaboratives; and other unique arrangements.

Most of these structures were not specifically designed so that students with disabilities could be served, although some (such as the educational service dsitricts in Texas) were designed with rural and regional service needs in mind.

Because of the requirement in the Federal regulations for PL 94-142 that districts request a minimum of $7,500 in flow-through monies from SEA's, special education cooperatives have mushroomed since 1975. These structures vary tremendously in governance systems and in georgraphic scope, but most were designed to ameliorate the difficulties of providing a continuum of services in rural schools. Of particular concern were problems serving students with low-incidence disabilities.

Collaboratives of all types offer opportunities for cost savings via shared staff, programs, staff development, and other resources. Collaboratives offer local rural districts the advantage of joining together for services while maintaining the benefits of small schools. These benefits include a great deal of autonomy in how services are provided.

Collaboratives also frequently reduce the degree of resistence to change in rural districts when administrators, teachers, and members of the community meet together to discuss shared problems and when the public is appropriately involved in decision-making. To this extent, collaborative structures tend to increase accountability to students with disabilities and their families. In collaboratives where interaction with clients and communities is scarce, client accountability is decreased.

CONCERNS REGARDING COLLABORATIVES

Research has also identified a number of concerns about the operation of collaboratives.

1. Goal displacement occurs when an emphasis on cost efficiency becomes the overriding goal of an administrative structure, and individual child needs are placed at a lower priority level. A caveat seems to be necessary in maintaining focus on the true purposes of the collaborative.

2. Cumbersome bureaucratic layers and political structures designed to facilitate services can actually isolate students from services and unnecessarily involve service providers in political battles. The involvement of multiple governing boards (within each LEA and for the collaborative as a whole) is usually cumbersome.

3. The separate fiscal status of LEA's and the collaborative can cause instability for the local district. This is particularly true when the collaborative requires the LEA to purchase services. The types of services offered, their quality, or the program emphasis may be changed for financial reasons rather than on a needs basis.

4. Adequate consideration must be given to establishing effective relationships between the collaborative and each district in regular as well as special education matters. This includes lines of accountability of all personnel hired by the collaborative to work with some or all districts involved. For example, it is wise to discuss guidelines for dividing service time for collaborative personnel among various duties and districts at an early stage. Some collaboratives find it effective to allocate district costs on the basis of the amount of time in service delivery in that particular district. Other districts prefer that staff payments be equally split, no matter where services were delivered. Such operational decisions are best made when the structure is initiated.

5. The abilities of shared personnel to cover vast distances effectively are another concern. In addition, many special education supervisory staff hired by the collaboratives are unable to have impact on special education staff working with their districts. They either have no hiring input or no control over staff actions, as many special education personnel were deemed to be accountable to the building principal once they entered his or her building.

6. District personnel may abrogate their responsibilities by allocating all responsibility for handicapped students to the collaborative. Many collaborative staff feel a need for better education and commitment of district personnel in understanding their roles in complying with PL 94-142. The ultimate source of responsibility for services is frequently difficult to determine.

7. Program specialists (such as itinerant teachers) find that acceptance is often a problem. District staff frequently do not understand the specialists' role, their grueling travel schedules, and the problems of operating in less than adequate facilities reserved for the "part-time staff member." Burnout is frequent.

8. Accountability systems are frequently difficult to detect, and informal systems often differ dramatically from those of the formal organizational chart.

9. Parent involvement and communication becomes more and more difficult as services are removed further from the local school building. Situations requiring child travel to a centralized service facility inadvertently exclude many parents from participating in the child's program.

10. Quality of services is often inconsistent across units of a collaborative because of variations in staff competency and staff development programs.

11. Hidden agendas are prolific in collaboratives because each district feels ultimately responsible to the local community. True change across a collaborative is difficult in the midst of competing local priorities.

HIRING OF UNQUALIFIED PERSONNEL

Rural areas typically have higher percentages of unqualified personnel, lower levels of certification, and higher rates of temporary and emergency certifications. Roughly two-thirds (66%) of those surveyed reported that emergency certifications were typically used in their district. They stated that temporarily certified personnel were not well qualified for the positions that they held.

Relatively high percentages of the rural special education directors and teachers interviewed by this study reported a lack of training for their positions. (E.g., 15% of the rural special education directors and teachers had taken few or no courses in special education.)

Respondents issued caveats concerning symbolic preservice program changes (e.g., curriculum revisions leading to false security and simultaneously inhibiting truly needed reforms). Problems preservice training institutions face as they prepare rural special educators were largely understood by interviewees and were reported as follows:

1. There are serious questions about the quality of role models, materials, and facilities in many remote rural schools in which practica and student teaching must be arranged. There is a need to expose students to qualified innovative, state-of-the-art learning situations, facilities and equipment. This is often in conflict with the need to expose trainees to the realities of rural schools, teaching facilities, and equipment. These factors obviously have ramifications regarding recruiting students to work in rural America.
2. The need to locate adequate numbers of quality practica and to transport students is frequently a problem, particularly in remote rural areas. There is also typically a problem locating other field experiences (observations, pre-student teaching, internships, etc.).
3. Student and faculty housing are frequently a barrier to quality field experiences. Because of the remoteness of many university service regions, students are frequently located off campus for extensive periods of time.
4. Funds for supervisory travel is often a problem. The role of the supervisor within the school setting often must be clarified. This is particularly true when a supervisor may travel for 2 or 3 days to reach some of the remote student teaching/internship sites. Cost efficiency sometimes becomes the determinant planning variable, especially when travel and supervisory costs are considered.
5. Travel feasibility for students and faculty is often severely inhibited by climatic and geographic barriers.

TEACHER CERTIFICATION GUIDELINES RELATED TO SERVING RURAL HANDICAPPED STUDENTS

Significant problems exist regarding the certification of rural special educators. In a 1978-79 study involving special education directors of state education agencies, many officials expressed serious doubts that rural special education recruitment and retention problems could be solved without modifying current state certification stipulations.

Numerous states (e.g., Wyoming and Wisconsin) have initiated certification requirements responsive to rural service delivery problems, and many (e.g., Colorado) are investigating how they may be more responsive to rural service problems. Several state education agencies are initiating non-categorical certifications, and the legislative bodies of a few states (e.g., Vermont) which have had generic or non-categorical certification requirements for years have recently investigated the possibility of changing such requirements in view of increased handicapped child counts. This would have a significant impact on rural populations, especially in predominantly rural states such as Vermont.

Emergency certification was found to be available in 92% of the districts/cooperatives represented in the 1980 survey. Variations of the status of emergency certification are described below.

Table 4.—Status of Emergency Certification

	Percent
Available and frequently used	83
Available but rarely used	4

	Percent
Available but never used	5
Not available	8
Total	100

Even among the 8% of all respondents stating that emergency certification was not available, only one state was reported to be inflexible on this issue if the district was in need of personnel and only uncertified applicants were available.

When asked, "What problems exist with teacher certification in your state related to serving rural handicapped students?", data in Table V below were collected.

Table 5.—Problems With Teacher Certification Regarding Serving Rural Handicapped Students

	Percent
Certification regulations too specialized	59
Lack of reciprocal certification across State lines	34
Certification regulations too generic	6
Special education only certified at masters level	2
Lack of certification in learning disabilities	1
No problems with certification	32
Total	100

The majority (59%) of the respondents related that certification guidelines necessitated that one or more areas of specialization occur in training. Most interviewers felt that this was inappropriate for service in rural areas which typically involve working with a variety of low-incidence handicapping conditions.

One-third (34%) of the responsibilities related their frustrations with the lack of reciprocal certification agreements among states. They felt that this significantly contributed to rural personnel recruitment problems. Approximately one-third (32%) of all interviewees reported no problems with teacher certification.

After PL 94-142, all districts offered some medical services, including diagnostics; a majority (55%) referred students to local physicians and almost half (49% and 41%) offered physical and occupational therapy.

The dramatic changes in services delivery in this area are obvious in Table VI, below. However, it should be stressed that over half of all surveyed districts still did not use physical or occupational therapists or medical diagnostics. Only 21% used paraprofessionals to assist with the delivery of health services.

TABLE 6.—CHANGES IN HEALTH SERVICES

[In percent]

Services	Before Public Law 94-142	After Public Law 94-142	Percentage change
Medical diagnostics	17	48	[1] +182
Physical therapist	11	49	[1] +346
Referrals to local physicians	29	55	[1] +909
Paraprofessionals	04	21	[1] +425
Occupational therapists	05	41	[1] +720
Interagency agreements with public health agencies	19	13	−32
No services	19	0	[1] −100

[1] Significant to the .05 level.

An additional survey of 100 geographically representative rural special education administrators was conducted in 1984 to determine reasons for rural personnel turnover. Table VII illustrates the findings from this study. It should be obvious that relevant preservice training is essential if personnel turnover is to be decreased.

Appendix A illustrates samples of successful rural special education programming strategies.

SPECIFIC DATA NEEDED

State education agencies consistently report via their CSPD and other documents that rural services are the most difficult to provide. Unfortunately, the field and the Department of Education do not have an accurate evaluation of the total problem.

TABLE 7.—RESPONDENTS' PERCEPTIONS REGARDING HIGH TURNOVER OF POSITIONS IN THEIR LEA/COOP

[Percent of times mentioned (by region)]

	I	II	III	IV	V	VI	VII	VIII	IX	X	Average
Reason given:											
(1) Low salary/make more money elsewhere	17	0	60	38	33	20	0	8	13	13	20
(2) Rural/remote area is undesirable	0	0	40	38	17	50	25	33	25	13	24
(3) Few qualified personnel in the field	0	0	30	19	0	0	0	0	0	13	6
(4) Pregnancy/marriage	17	0	0	13	8	0	0	0	38	13	9
(5) Difficult field to work in/burnout	25	25	20	6	17	40	25	17	13	0	19
(6) Relatively easy area to work in	0	0	0	0	0	0	0	0	0	0	0
(7) Too much time spent traveling	0	0	10	0	17	0	0	25	0	38	9
(8) Too heavy work/case load	17	0	0	6	0	0	0	0	0	0	2
(9) Low need, small enrollment	0	0	0	0	0	10	0	0	0	0	0
(10) Not qualified to work in the field/working out in the field	0	25	0	6	17	0	13	8	0	13	8

(All percents are rounded to nearest whole number.)

State education agency data regarding the numbers of students identified and served are only as valid as local district reporting systems. As districts are mandated by law to be appropriately serving all students, it is highly questionable that unserved students are counted. (In fact, it was not uncommon for state education agencies to report 10,000 unserved students the year before PL 94-142 was to be fully implemented and 0 unserved students the year the law was to be "in full implementation.")

Rural districts experience distinct difficulties serving students in remote rural areas who need highly specialized service providers (e.g., occupational or physical therapists) who are hard to recruit. A study is needed that will anonymously query the districts regarding the numbers and types of unserved handicapped students. A valid determination of needed services and personnel can then be made.

SECTION II—HOW CAN THE AVAILABILITY OF NEEDED EDUCATIONAL SERVICES IN RURAL DISTRICTS BE IMPROVED?

Legislative mandates in context

The U.S. Department of Education issued a "Rural Education Policy for the '80's" on August 23, 1983. This document stated:

". . . the Department will assist in identifying and developing special programs available for handicapped individuals located in rural areas, and . . ."

". . . the Department will provide personnel to coordinate the consolidation of available research on personnel shortages and additional needs for analysis . . . Research should focus on effective practices and characteristics of effective rural programs and projects . . ."

The Department's responsibilities in this area have not been fully implemented, and PL 94-142 should be a key vehicle for making this happen.

The U.S. Depatment of Education has a legislative mandate to deliver an equitable share of the information, services, assistance, and funds available from and through the Department, to rural areas. (U.S. Secretary of Education's August 23, 1983, report and Section 206 of the Department of Education Organization Act, PL 96-88). Current services and fiscal allocations are not equitable. It is clearly the responsibility of the Federal Government to address this issue and find solutions to identified problems.

Progress in serving rural students with disabilities has been notable. However, the following factors indicate that rural special education services must be better supported. This is consistent with the Commission's statement that the Federal Government, in cooperation with states and localities, should help meet the needs of key groups of students the Commission defined as "both national resources and the nation's youth who are most at risk."

1. The rural population growth, first identified in 1972 and termed the "Rural Renaissance" is continuing.
2. Increasing numbers of rural handicapped children are identified each year. In fact, since the implementation of PL 94-142, there has been a 92% increase in the

numbers of handicapped students identified and served in rural America (Helge, 1984.) Simultaneously, the costs of educating rural handicapped students rose more significantly than the costs of educating non-rural handicapped students. Costs are exacerbated by high transportation requirements, inadequate numbers of specialized personnel available, etc. Local monies cannot adequately meet the needs.

3. Handicapped children originally served by PL 94-142 are now entering secondary schools, many of which are unprepared to meet their needs.

4. Transition services (from school to work and/or community settings) are typically inadequate in rural areas, particularly those with little or no business or industry.

5. The new "Baby Boom" and growing rate of rural poverty will increase the number of rural handicapped children needing services.

6. The shortage of available rural special educators, already a serious concern, will increase. Almost half of all U.S. teachers will retire within five years, fewer students are majoring in education, and rural areas have not been as attractive to the majority of new teachers as are non-rural areas. Most teacher education programs are not prepared to prepare teachers for rural areas.

Recommendations follow for fully implementing PL 94-142 in rural areas so that rural handicapped students receive appropriate services. The suggestions are also strategies to implement the recommendations of the National Commission on Excellence in Education in a rural educational context.

Recommendations

A. RESPONSIVE POLICY AND REGULATORY INTERPRETATION

1. *Recognition of diverse rural subcultures.*—Rural school subcultures vary tremendously (e.g., geographically from remote islands and deserts to clustered communities; economically from stable classic farm communities to depressed lower socioeconomic settings and high growth "boom or bust" communities). Local resources are unequally distributed. Rural school environments, strengths, and weaknesses are unique, and policy recommendations must allow for this diversity.

Not only are rural environments different from non-rural environments but rural subcultures vary tremendously. Thus strategies of improving rural schools and their products (students) must be addressed in different ways than strategies addressing non-rural problems. As examples, technology will assist with problems of isolation in some communities. In others, only a highly personalized touch will be accepted. Sometimes local control is helpful, but outside intervention and assistance is often necessary to affect local problems.

The Department of Education should recognize the diversity of rural subcultures. This should culminate in the recognition that the implementation of PL 94-142 (i.e., enactment of the regulations) will be different in rural than in non-rural areas and that each rural subculture will require unique problem-solving strategies.

2. *Policy interpretation that is flexible for local rural needs yet meets Federal mandates.*—Many policy and regulatory interpretations of PL 94-142 stem from an urban orientation. An example is the requirement that a school district apply for a minimum of $7500 or not qualify for PL 94-142 reimbursement funds. The key advantage of this requirement is that collaborative efforts are emphasized. Rural special education cooperatives across the U.S. were formed during the implementation of PL 94-142. This meant that personnel, equipment, facilities, and limited resources were shared by more than one district in a cost-effective manner. The problems arise in remote rural areas such as those of Montana, West Texas, Alaska, and isolated pockets of Pennsylvania where school districts are geographically too far apart to effectively collaborate for service delivery. (E.g., in inclement weather and/or mountaninous terrain, it is difficult for districts to share the services of an educational specialist when district offices are located 200+ miles from each other.)

Policy decisions and regulatory interpretation regarding serving rural children with severe handicapping conditions must always be carefully considered. Geographic distances, scarce services, and limited access to such services require flexibility in interpreting the "least restrictive environment" aspects of the law. Some children frankly cannot be effectively served in their local rural area (e.g., a severely autistic child or a traumatized child from a non-intact family who must leave a village school which has no medical or other support services to attend a fully staffed residential school.) Simultaneously, we must continue to encourage residential schools to integrate their students into the local community and enroll the children into the local school as soon as possible, with a plan to return each child to his local community. (Programs at the Spaulding Youth Center in Tilton, New Hampshire, offer an excellent example of this process.) Another example of flexibility, at the state level, occurs in states such as Indiana which use a weighted formula so that rural districts with high transportation costs and few local services would receive greater funds for more severely handicapped students.

B. INCREASED ACCOUNTABILITY SYSTEMS REGARDING THE IMPLEMENTATION OF PUBLIC LAW 94-142 IN RURAL AREAS

As stated above, data have clearly indicated that rural areas are fraught with the most serious personnel deficiencies and are the most problematic in implementing PL 94-142. The Department of Education should make a serious commitment to equitable prioritization for rural service delivery (as per the Department's rural education policy statement), and this requires Congressional oversight.

1. *Strengthening the annual report to Congress.*—The requirement in Section 618 for an annual report to Congress on the implementation of PL 94-142 should be extended to include a requirement that the Department report to Congress specifically on progress and needs in rural areas. It should also be required that the annual report concerning progress in creating equity in rural areas, as per Section 206 of the Department of Education Organization Act, PL 96-88, include specific statements regarding progress in meeting the needs of special education children.

2. *Rural as a discretionary grant priority.*—Rural delivery should become a published priority for all discretionary programs. Presently, only the Division of Personnel Preparation of OSERS has a rural competition, and it is new and very small. The number of grants funded by the Department of Education to rural vs. non-rural areas is disproportionately small. (E.g., the Division of Assistance for States should secure better rural needs information, and the Division of Innovation and Development and research and demonstration projects should publish a rural priority for discretionary competitions.) OSERS activities such as rural task forces should have representation from the field and significant involvement of Congressional staff.

3. *Creation of a National Clearinghouse on Rural Special Education.*—An appropriation should be made to create a National Clearinghouse on Rural Special Education. Existing clearinghouses such as ERIC and the National Information Clearinghouse on Handicapped Children and Youth meet critical needs of bibliographic review and information dissemination to parents of handicapped children. However, such structures were not designed to meet the serious needs of rural information gathering, dissemination, and technical assistance which are not being met. The needs to be met by this clearinghouse include the following:

Data gathering regarding effective service delivery strategies in specific rural subcultures (i.e., socioeconomic, geographic, climatic, attitudinal and school district variations). Strategies should be prioritized that are cost effective. This would include the investigation of technological alternatives for rural special education instruction and instructional support, management, and staff development.

Information dissemination using a rural model. (E.g., involving existing rural regional and local delivery systems such as county extension and home health agents as well as essential centralized components of the Clearinghouse.) This type of approach would mean that local rural cultures would be considered, and rural children would more likely benefit from information disseminated. The approach would also be cost efficient.

Recruitment of prospective rural special educators to meet serious rural personnel shortages, the most critical of any area of special education. It is imperative that personnel preparation funds and recruitment and information monies under Part D be prioritized so that training incentives for recruiting students as well as "retooling" existing rural regular education personnel occur. Part D also allows for the funding of scholarships, and this will be necessary in some cases to recruit teachers of severely handicapped children in sparsely populated remote areas. Development of career ladders designed to recruit and retain quality rural special education personnel will also be part of this effort.

Development, validation, and dissemination of rural special educator preservice training curricula so that university training programs can motivate students to work in rural areas and better prepare them for rural working conditions. Exchange of preservice training resources (e.g., student recruitment, practica, internships, and evaluation procedures) among university faculty training rural special educators.

Study state certification issues and the problems they pose for rural school systems. The study should identify certification processes that are responsive to local rural needs and maintain the quality recommended in "A Nation at Risk." It should include assessments of when generic vs. specialized personnel are most effective and analyze appropriate uses of paraprofessionals (who are most likely to remain in the local rural area). Development of recommendations for inter-state and regional reforms (e.g., certification reciprocity or needs for particular shortage areas) plus state specific reforms. Facilitate collaborative efforts between state education agencies and universities designed to determine positions and types of personnel needed and to devise appropriate personnel preparation programs.

Collect and disseminate information to rural training programs and parents regarding successful rural school-family partnerships and special education resources for rural families.

C. IMPROVING RURAL SPECIAL EDUCATION BY IMPLEMENTING A NATIONAL RURAL EDUCATION RESEARCH AGENDA

The dramatic diversity of rural schools and their unique needs support the imperative need for quality rural education research. This research is required if educators are to make sense of the diversity and to develop content-related educational curricula and administrative procedures.

Research studies should focus on the results of a recently completed empirical national study identifying a national rural education research agenda. (National Rural Education Research Consortium, 1985). Nine research clusters were identified and rank ordered in this study, as listed below: Rural School Effectiveness; Governance and Finance Issues; Staff Training Needs; Advanced Technologies as Resources; Teaching Styles and Incentives; Field-Based Personnel Preparation; Personnel Preparation (ethical issues, curriculum, methods, logistics); Personnel Recruitment and Retention; School-Community Interaction and Rural vs. Non-rural Factors.

Specific research questions identified as critical to each of the nine clusters were also investigated. (Please see Appendix B.)

The Federal Government should support research efforts related to the prioritized research clusters above. Assistance should be available via data collection (e.g., use of existing data available from required state education agency and project reports) as well as by funding research RFP's.

Given the current limitations of Federal funding, it is obvious that funding cannot readily be made available to address every question that is part of a given research cluster. Because the study culminated in prioritization of the research questions under each cluster, the Department can easily initiate action by funding a certain number of prioritized problems.

D. INTERNAL DATA COLLECTION

The Federal Government should adopt and apply a consistent definition of "rural." This would facilitate accurate and efficient data collection by federal and state agencies.

The Federal Government should mandate routine data collection at Federal and state levels on the quality of rural special education. Such data collection should include information differentiating rural and non-rural funding and educational quality.

The Federal Government should routinely and efficiently collect data so that rural vs. non-rural differences in funding and educational quality may be determined. Analysis should be feasible for even very small districts (e.g., those under 300 ADA).

A meeting/forum should be held with all Federal Government agencies involved in data collection and distribution. Relevant field personnel should also be involved. It should be discerned what relevant data are currently collected by the Federal Government, and data collection processes should be systematized (e.g., data required to receive grants and contracts of funding for schools). One goal of the meeting should be to ascertain what additional data need to be collected so that the critical elements of this research agenda can be addressed.

Relevant data which have been collected by the Federal Government (e.g., NCES data or U.S. Census data tapes) should be assessed regarding potential relevance for rural research. Currently available data should be made accessible to rural research projects. Existing external data collection sources should be optimally used (e.g., data collected through ERIC and data collected and submitted by local and state education agencies). Particular attention should be devoted to the relevance of survey questions so that the data submitted can become useful for efforts addressing the rural education research agenda. Information should also be sought regarding how the National Council on Education Statistics and other appropriate governmental units can assist in gathering data than can be used by researchers addressing the crucial elements in this national research agenda.

The Federal Government should solicit information regarding progress in addressing the national rural education research agenda discussed above and in meeting rural personnel shortages. This information shold be included in the Department's annual report to Congress which is required by law. This yearly report should relate progress in improving rural education related to an established format (i.e., rural school problems and goals of the Federal Government) so that a systematic evaluation of progress is possible. This report should include a section regarding progress in meeting this rural education research agenda and address rural personnel shortages. This information should not only be disseminated to the U.S. Congress, but to relevant professional organizations and agencies.

The Department of Education is required by law to sponsor an annual forum regarding rural education. Because the annual national conference is required in part as an accountability mechanism for the Department's Rural Education Policy Statement for the '80's, confernce topics should include reports of progress in implementing PL 94-142.

Legislation requires that data collection center upon effective school practices. Current dissemination efforts (e.g., the National Diffusion Network and Joint Dissemination Review Panel), if they bracket successful practices for rural and nonrural settings, frequently erroneously assume either that an urban model can be transported to a rural setting or that one rural model will be effective in a number of rural subcultures. The Federal Government should support research studies profiling rural school practices that are effective in specific rural subcultures (e.g., socioeconomic, geographic population sparsity, and other bases). In addition, current practices also assume that a rural school will ask for information/data relevant to its subculture. An alternate model should be implemented for information dissemination. (See Section IIB3 of this document.) Research projects which are applied in nature and emphasize demonstrations of effective processes and dissemination of findings useful to rural practitioners should be supported.

E. INTERAGENCY RESPONSIBILITIES

The enhancement of rural education should be an interagency responsibility with significant involvement of the Department of Education. Congress has recognized that rural education involves all disciplines and that past approaches have been fragmented. Standard categories of education (e.g., elementary vs. secondary), do not reflect the way that educational services are delivered in many rural settings. A holistic approach should be implemented, and relevant agencies such as the Departments of Agriculture, Labor, Commerce, and Transportation should be involved. Many of these departments have been engaged in rural activities in the past, and the Department of Education activities to improve rural education should be collaborative and utilize past efforts. (For example, the Rural Development Policy prepared by an advisory group to the Department of Agriculture should be analyzed to determine the potential for interagency coordination.)

Rural education was one priority of the FICE committee (established by executive order and discussed above) which involved multiple government agencies. Relevant activities already accomplished by FICE should be assessed for their for their viability as resources to this thrust. The Department's Intra-Agency and Interagency Committees should communicate and work cooperatively. Thus, it is recommended that the various offices related to rural education form a consortium or partnership to fund research and demonstration efforts that holistically address issues in rural education.

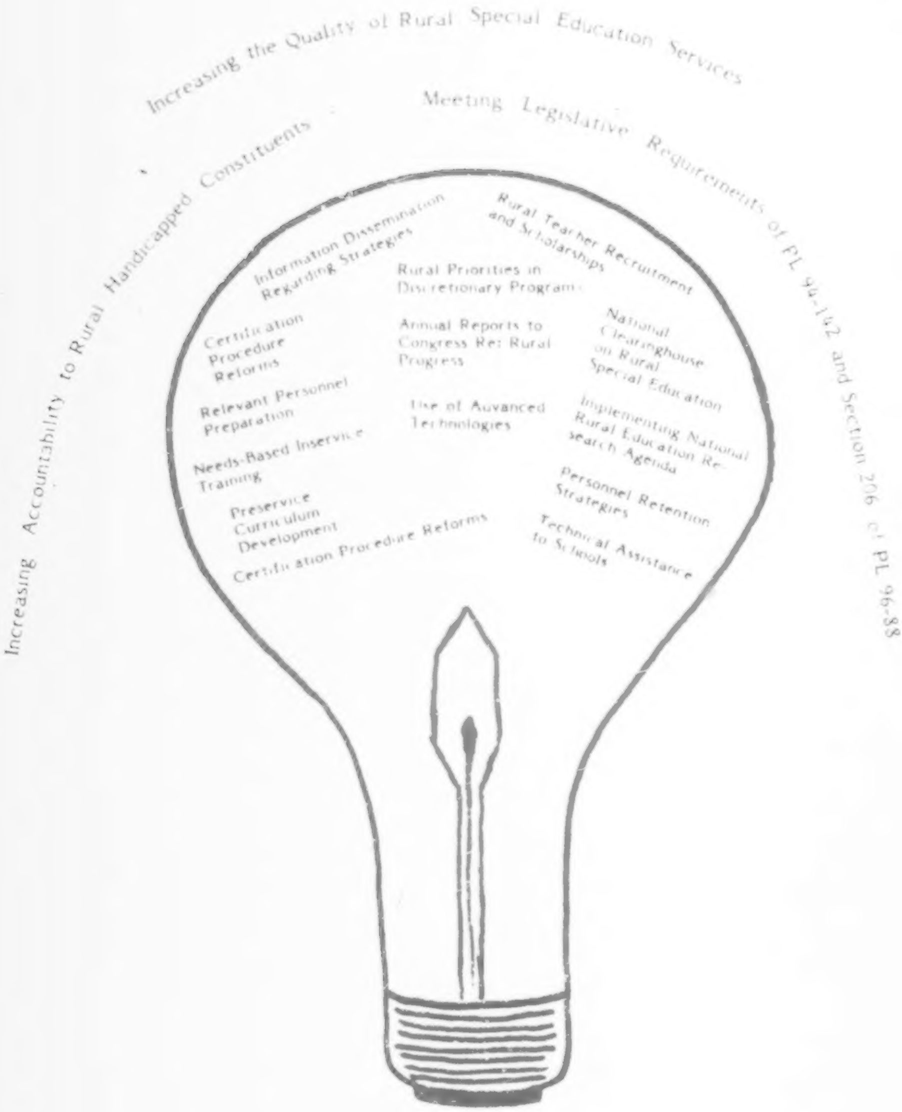
Collaborative activities, ranging from sponsoring national conferences to jointly funding research proposals or developing new combinations of interdistrict collaboration, should occur. Each government branch should adopt appropriate rural foci, and an entity such as the Department's Interagency Rural Task Force (FICE) should facilitate coordination and collaboration of efforts so that the entire list of research clusters and questions will be covered.

Within the Department of Education, authority should remain at the Secretary's level vs. splitting the aspects of the research agenda between branches. This will facilitate better communications between branches and keep any recalcitrant agency from impeding total progress. It is recommended that all agencies develop a statement of work, initiate appropriate RFPs, and begin their efforts.

Summary

The problems involved in serving rural special education students have been well-documented as have the acute personnel shortages of rural America. A comprehensive approach is essential if the Department of Education Rural Education Policy and PL 94-142 are to be fully implemented. Figure 2 represents the expected benefits of implementing the recommendations in this document. The power source for the "light bulb" will be provided by Congressional policy, appropriations, regulations and oversight. The components of the bulb interact with each other, resulting in high quality rural special education services. This increases accountability to rural handicapped constituents and causes legislative requirements of PL 94-142 and Section 206 of PL 96-88 to be met.

INCREASING ACCOUNTABILITY FOR RURAL SPECIAL EDUCATION


Increasing the Quality of Rural Special Education Services
Increasing Accountability to Rural Handicapped Constituents
Meeting Legislative Requirements of PL 94-142 and Section 206 of PL 96-88
Information Dissemination Regarding Strategies
Rural Priorities in Discretionary Programs
Rural Teacher Recruitment and Scholarships
Certification Procedure Reforms
Annual Reports to Congress Re: Rural Progress
National Clearinghouse on Rural Special Education
Relevant Personnel Preparation
Use of Advanced Technologies
Implementing National Rural Education Research Agenda
Needs-Based Inservice Training
Personnel Retention Strategies
Preservice Curriculum Development
Technical Assistance to Schools
Certification Procedure Reforms

Power Source: Congressional policy, appropriations, regulations, and oversight.

Figure 2

Rural handicapped children deserve a comprehensive educational approach involving responsive policy and regulatory interpretation, and increased accountability systems regarding PL 94-142 implementation. The implementation of the national rural education research agenda and the National Clearinghouse on Rural Special Education will result in development and dissemination of viable rural service delivery strategies. Publishing "rural" as a funding priority of PL 94-142 discretionary programs will show evidence of a desire to strive toward the rural-nonrural equitability requirements of Section 206 of PL 96-88 and to fully implement PL 94-142. Strengthening the Annual Report to Congress by requiring a full report on the progress of rural special education is essential.

A sincere thank you is offered to this committee from special educators and parents of handicapped children across rural America.

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APPENDICES

APPENDIX A—IDENTIFIED RURAL EDUCATION RESEARCH CLUSTERS AND SPECIFIC RESEARCH QUESTIONS

Table I.—Research Clusters Regarding "Importance to the Field"

	Cluster	*Ranking of Means (Scale 1-5)*
I.	Rural school effectiveness	3.78
II.	Governance and finance	3.56
III.	Staff training needs; technology as a resource	3.52
IV.	Teaching styles and incentives	3.50
V.	Field-based personnel preparation	3.39
VI	Preservice preparation (ethical issues, curriculum, methods, logistics)	3.34
VII.	Personnel recruitment and retention	3.26
VIII.	School-community interaction	3.26
IX.	Rural vs. nonrural	3.13

CLUSTER I: RURAL SCHOOL EFFECTIVENESS

Questions

1. What special educational procedures and curricula work are accepted in very small schools (under 300 ADA)?
2. How can we best measure the effectiveness of rural special education programs?
3. What makes a rural special education program effective? How does this differ from criteria that make non-rural special education programs effective?
4. What are qualitative and quantitative measures of effective rural special education leadership in rural America?
5. What are characteristics of effective rural special education collaboration (between regular and special educators, between regular and special education programs)?

CLUSTER II: GOVERNANCE AND FINANCE

Questions

1. What are effective alternate financing systems for rural special education programs?
2. How do appropriate special education legal procedures differ for rural vs non-rural schools?
3. What are the effects of various service delivery systems for special education?
4. What are the differences in state special education policies for rural and non-rural environments?
5. What impact do federal and state special education mandates have on rural special education funding?
6. How does one determine cost-effective factors of rural special education service delivery?

CLUSTER III: STAFF TRAINING NEEDS; TECHNOLOGY AS A RESOURCE

Questions

1. What are effective ways of serving rural gifted students? How does one identify gifted rural students who are culturally disadvantaged?
2. What are differences in teaching styles and effectiveness of rural special educators who come to the job from out of the state/region?
3. What are the incentives of pay for rural special educators and administrators? Should any rural pay incentives be developed (e.g., in the very smallest districts)?
4. What are incentives for the development of innovative rural special education programs?
5. How does the use of governmental units other than the local school district effect efficiency? How do such units effect school direction?

CLUSTER IV: TEACHING STYLES AND INCENTIVES

Questions

1. What are the differences in teaching styles and effectivenees of rural special educators who come to the job from out of the state/region?
2. What are the incentives of pay for rural special educators and administrators? Should any rural pay incentives be developed (e.g., in the very smallest districts)?
3. What are incentives for the development of innovative rural special education programs?
4. How does the use of governmental units other than the local school district effect efficiency? How do such units effect school direction?
5. What are effective ways of serving rural gifted students? How does one identify gifted rural students who are culturally disadvantaged?

CLUSTER V: FIELD-BASED PERSONNEL PREPARATION

Questions

1. How can local school districts, regional service centers, and other organizations assist in rural special education practica and practica supervision?
2. When should videotape, laser dics, or other technologies be used in place of field-based experience in rural preservice preparation?
3. What is the cost effectiveness of using different techniques (given equivalent outcomes in rural special education preservice preparation)?

CLUSTER VI: PRESERVICE PREPARATION (ETHICAL ISSUES, CURRICULUM, METHODS, LOGISTICS)

Questions

1. How can preservice students be prepared to work with ethnic minority, bilingual, migrant, and other populations in rural areas?
2. What curricula are currently offered at different levels of personnel preparation for rural school systems including B.A., M.A., and Ph.D.?
3. Should rural special education personnel preparation programs prepare quality graduates from less than superior students?
4. What are the differences in the length and type of training required to reform quality graduates out of less than superior students?
5. How can superior students be recruited to train for rural special education careers?
6. What technical and human skills and knowledge should be included in a rural training program?
7. How can training programs balance the need to provide "state-of-the-art" quality role models, practicum experience, etc., with the need to expose students to the realities of rural schools?
8. How can logistical problems (e.g., travel costs, housing, etc.) of supervising rural remote preservice practice best be addressed?

CLUSTER VII: PERSONNEL RECRUITMENT AND RETENTION

Questions

1. What are the best procedures to recruit and retain rural special education staff? Regular education staff who work with handicapped students?
2. What kinds of procedures used by business and other non-government and government agencies (e.g., Peace Corps) for training, recruiting, and retaining personnel could be used in rural preservice preparation?
3. What specific education roles need to be filled in distinct geographic areas? (Are certain handicapping conditions more prevalent in one area or another?)

CLUSTER VIII: SCHOOL-COMMUNITY INTERACTION

Questions

1. For what roles should local rural citizens/teachers be recruited? What roles should be filled by outsiders?
2. How can we secure greater community involvement in rural special education programs?

CLUSTER IX: RURAL VS. NON-RURAL

Questions

1. How do local school objectives and expectations (for handicapped student achievement/special education programs) differ from community and student expectations of rural areas?
2. In what ways are the concerns in #1 above different from those of non-rural areas?
3. What are the differences in attitudes and self-concepts of rural vs. non-rural handicapped students?
4. What non-schooling influences are significant for rural special education programs?
5. What difference does school board composition pose for effective rural special education program functioning?
6. What aspects of rural preservice training should come from psychology or anthropological science?
7. What cross-cultural skills are needed to effectively function in rural schools?
8. What are impacts of local rural cultures on learning and behaving?

APPENDIX B—SAMPLE PROFILES OF EFFECTIVE RURAL SERVICE DELIVERY STRATEGIES

APPENDIX C—ADDRESSING THE REPORT OF THE COMMISSION ON EXCELLENCE IN EDUCATION—FROM THE RURAL PERSPECTIVE

AMERICAN COUNCIL ON RURAL SPECIAL EDUCATION,
Bellingham, WA, August 15, 1983.

ADDRESSING THE REPORT OF THE COMMISSION ON EXCELLENCE IN EDUCATION—FROM THE RURAL PERSPECTIVE

PURPOSE OF THIS DOCUMENT

The American Council on Rural Special Education (ACRES) wishes to express pleasure with the intent of the Report of the National Commission on Excellence in Education, *A Nation at Risk*. The document highlights critical issues that must be addressed if our nation's schoolchildren are to receive appropriate educational experiences.

This document formally requests that the Commission and the U.S. Department of Education recognize differences in rural and non-rural schools and provide for appropriately different strategies of implementing Commission recommendations.

FACTORS OF RURAL SCHOOLS THAT SHOULD BE CONSIDERED BY POLICYMAKERS

Rural schools (67% of all schools) and rural students (33% of all school children) experience distinct educational problems and exist in specific subcultures. Rural areas have much higher poverty levels that non-rural areas, and rural schools serve greater percentages of handicapped children (due to less prenatal and postnatal care, higher poverty rates, fewer social services available, etc.).

Rural areas are rapidly growing in population yet their tax bases are not. Even though rural schools contribute greater percentages of their local resources for education, rural services cost more than similar services in urban areas because of expensive transportation requirements necesary in remote/sparsely populated areas, scarce professional resources available, etc.

Serious staffing inadequacies in rural schools are particularly relevant to the recommendations in the Commission's report. Particular difficulties exist in recruiting and retaining qualified teaching and other rural educational staff, particularly those needed to work with handicapped students.

Many rural schools are forced to hire inexperienced teachers, and emergency certifications are rampant. As the preponderance of rural schools pay lower salaries, and a majority of unemployed urban teachers choose not to work in rural environments, the Commission's recommendation that superior teachers be rewarded must be carefully implemented. A majority of rural teaching staff with longevity are persons who were born and reared in the community in which they teach. They are not only more easily "recruited" but are more readily accepted by the local community. This phenomenon has positive and negative ramifications.

If the Commission's recommendation of "career ladders" for teaching staff is implemented, consideration must be given to the fact that many rural schools have only one, or a few, teaching positions. (Implications are obvious for the recommendation to develop master and lower level teaching positions.) Administrative turnover tends to be low in rural areas. Policy designers must recognize that short-term suggestions such as having "local scientists" substitute for teaching personnel would be difficult in remote rural areas having no scientific industries.

Itinerant staff, essential in sparsely populated rural areas, often travel vast distances on marginal roads, in inclement weather. This must be considered when plans are made to implement the recommendation regarding effectively using existing school time. The travel discussed above contributes to exceptionally high attrition rates, with turnover rates of 40-50% being relatively common.

Such high personnel attrition causes problems with educational program continuity and with staff development efforts. Rural administrators frequently find that their inservice efforts must continually focus on "Inservice Basics" vs. in-depth training.

As a rule, preservice training programs across the country have not uniquely prepared educators for rural settings. Nor have universities motivated students to teach in rural America. Curricular analyses have indicated that even universities with rural service areas typically do not prepare their students any differently than preparation programs with urban missions.

Plans to implement the recommendation to include computer science as part of the "Five New Basics" (a laudable objective) must consider the fact that although a majority of rural schools have a computer of some type, their computer resources are typically inadequate. For example, many schools have only one computer (used for administrative purposes). Additionally, corporate computer donation programs have thus far favored urban areas with high visibility. A majority of rural staff are not computer literate, and rural schools to date have a paucity of software for students to use.

Similar concerns must be addressed when implementing other curricular recommendations centering upon strengthening the areas of foreign language and fine and performing arts.

RECOMMENDATIONS FOR POLICY MAKERS

The following suggestions are offered to those designing strategies to implement the Commission's recommendations. It is emphasized that they are supplemental and reflect a rural educational context.

1. Recognition of diverse rural subcultures

Rural school subcultures vary tremendously (e.g., geographically from remote islands and deserts to clustered communities; economically from stable classic farm communities to depressed lower socioeconomic settings and high growth "boom or bust" communities). Local resources are unequally distributed. Rural school environments, strengths, and weaknesses are unique, and policy recommendations must allow for this diversity.

Not only are rural environments different from non-rural environments but rural subcultures vary tremendously. Thus strategies of improving rural schools and their products (students) must be addressed in different ways than strategies addressing non-rural problems. As examples, technology will assist with problems of isolation in some communities. In others only a highly personalized touch will be accepted. Sometimes local control is helpful, but outside intervention and assistance is often necessary to affect local problems.

2. Support for innovative teacher training programs addressing areas of critical need

The Commission's recommendation that teachers be better prepared and that the profession be made more rewarding is particularly appropo for rural America. The Federal Government should provide grants for innovative teacher training programs, addressing areas of critical personnel shortages across the nation (e.g., rural itinerant teachers of the hearing and visually impaired).

Potential rural teachers should be educated regarding strengths, challenges and inconveniences of rural life. As numerous studies have indicated that appropriate curricular materials for rural preservice preparation are lacking, grants should be awarded to develop curriculum modules and other materials. These should deal with alternate instructional arrangements and service delivery systems (including technological), creative resource identification, working with rural professionals, and personal and professional survival skills for rural educators, particularly itinerant personnel.

Personnel preparation should include experiential training in rural schools and communities and teach personal as well as professional survival skills. Students should be exposed to rural school realities as well as "state of the art" learning situations, facilities and equipment.

Special efforts should be made to motivate students to teach in rural areas (Cooperation between state education agencies and universities could assist in determining positions and types of personnel needed.) University efforts should include advisement procedures designed to educate students about position surpluses and shortages.

3. Development of career ladders and merit pay systems designed to retain quality rural personnel

Career ladders should be designed and publicized as part of a merit/reward structure. These advancement structures should be realistic for rural/remote school systems with few employees. (E.g., they should be part of national systems to link available positions and applicants so that career ladders are not limited to positions available in the immediate area.)

Thus policy makers must address certification issues and problems pertinent to rural areas. These include divergent certification requirements across state lines and unique certification needs of rural schools (e.g., generic vs. specialized training needs). As previously stated, recruitment of qualified personnel for rural, especially remote, areas is difficult. Many truly qualified personnel cannot be hired because of minor certification issues such as having taken an educational history course in the "wrong" state. It is essential that districts have the flexibility to hire qualified individuals for rural areas. Unique certfication models designed to accommodate rural needs should be explored and those currently in practice in states such as Wisconsin should be examined. Appropriate uses of paraprofessionals and volunteers should also be investigated.

Merit pay system should be investigated with the goal of retaining quality personnel in rural areas. Because of rural funding inadequacies mentioned earlier and because rural communities are already funding higher percentages of their school budgets from local funds than do non-rural schools, the sources of funding for merit pay will have to be addressed.

4. Support for essential inservice training programs

Because of inordinately high personnel turnover rates, small numbers of rural personnel (who must serve general and low incidence needs), and severely limited inservice budgets in most rural schools, comprehensive inservice training must also be addressed by policy designers.

5. Adequate support for rural special education services

Rural special education services must be better supported. This is consistent with the Commission's statement that the Federal Government, in cooperation with States and localities, should help meet the needs of key groups of students the Commission defined as "both national resources and the nation's youth who are most at risk." Since implementation of PL94-142, there has been a 92% increase in the numbers of handicapped students identified and served in rural America. Simultaneously, the costs of educating rural handicapped students rose more significantly than the costs of educating non-rural handicapped students. Costs are exacerbated by high transportation requirements, inadequate numbers of specialized personnel available, etc. Local monies cannot adequately meet the needs.

6. Investigate and support alternate service delivery systems

Because sparse populations are inherent in ruralness and cooperative organizational structures have been found to offer service and cost benefits, policy makers should seriously investigate ways to support intermediate educational units and to advocate support/rewards for itinerant staff. It is essential that administrators have the flexibility for shared service delivery, staff exchanges, and other aspects of interagency collaboration.

7. Investigation of technological alternatives

A serious investigation should occur of cost savings, efficiency, and feasibility of technologies in various rural subcultures. Emphases should include electronic communication systems and other management, instructional, and staff development applications. It would be advisable to develop a plan to motivate corporate technological gifts to rural schools. These should include donations of hardware, software and training.

8. Adequate data collection regarding the quality of rural education

The Federal Government should routinely and efficiently collect data so that rural vs. non-rural differences in funding and educational quality may be determined. Analyses should be feasible for even very small districts (e.g., under 300 ADA, a group about which the National Council for Educational Statistics has not previously collected data).

Respectfully submitted.

DORIS HELGE, PH.D., *Executive Director,*
American Council on Rural Special Education (ACRES).

Mr. WILLIAMS. Steve will have several questions and we will close the hearing. I will begin because I have a plane that is going to take off here before very long.

Mr. Richards, both you and Ms. Helge mentioned the necessity of keeping good instructional personnel around. That has historically been left to the localities and the States. It does not seem to many of us, however, the difficulty involved, particularly in rural areas. We ought to make no mistake, those problems are not only in rural areas. There are, by the way, many things that make rural areas far better places to live for people with disabilities. It has generally been seen as a local and State role to maintain good teachers. If, in fact, it should be a national effort to try to do that, how would you suggest we do it?

Mr. RICHARDS. I think one thing that has changed, Representative Williams, we are being mandated to do more and more things. Public Law 94-142 makes a lot of mandates on the school.

We just heard a little bit about speech pathologists. In the area that I represent, we have tried for 6 years to recruit a speech pathologist. We have not been successful during those 6 years. Obviously, we tried everything within State and even out of State. It goes beyond the local condition.

We can train, do a better job, I suspect, of encouraging our younger people from a local level. But I think some of these will have to be more of a national.

Mr. WILLIAMS. How would you suggest that the national government help you obtain a speech pathologist?

Mr. RICHARDS. I think they have helped by putting an emphasis back on education. We have gone through a period when education kind of was the doormat of our national priorities. We need to make education a national priority, and a large priority, put the respect back into teaching and put the dollars in that will follow it. Then I think we will get our young people to come back into the education fields.

Mr. WILLIAMS. Ms. Helge, are there too many mandates placed upon rural administrators with regard to the consideration of the disabled?

Ms. HELGE. I am afraid I would have to ask you to be more specific.

Mr. WILLIAMS. I am trying to get you to follow up on what Mr. Richards said concerning the increased number of mandates. His statement is in line with what we have heard today.

People who have said that have not been, in the main, very specific about which mandates it is they don't care for. I am asking you generally during this past decade, have the mandates and regulations which have been placed upon local and State administrators served the disabled or created a disservice for the disabled?

Ms. HELGE. No; I think they have definitely served the disabled. I think the thing we are advocating is flexibility in the interpretation of those.

For example, if you are in an area where it does not make sense for two districts to get together because they have to make the $7,500 requirement, then allow them to defend that to the Department and have the Department approve and say, yes, we understand because of your winters and because of the geographics, and because of sparse populations, it won't make sense in your area. So we are allowed the flexibility.

Another comment to make, we consistently find as we travel around the country, the answers are there to an extent. What is not there typically is an understanding from another district that someone else has worked through a similar problem, and that comes back to the clearinghouse concept, I think, if there were a way for people to say, here is something we have tried, this is the type of subculture in which we have tried it, we want others to know about it.

Mr. WILLIAMS. Why would the Federal Government have to mandate that? Why can't Montanans talk to North Dakotans on their own? Why do we have to tell you to do that?

Ms. HELGE. Resources, they do talk.

Mr. WILLIAMS. Ma Bell is the resource.

Ms. HELGE. There is an electronic communication system too. However, you have to have an organizational structure and resources for people to get together to do those things. To a limited extent, you can do it without Federal help. It is going on now.

What I am saying is it could go on in a more cost-efficient manner and it could go on more effectively if a small amount of resources were set aside for that purpose.

Because you brought up Dakota, I was in South Dakota this last year, and while I was there, ostensibly to make a speech, I decided not to blow the opportunity to have them develop things I could take to other areas. So I asked every person in the audience to list what you can tell me that you are doing effectively in the area of transition for rural handicapped kids.

We went back and typed it up and sent it back to South Dakota and sent it to other people across the country. All that meant to me was that South Dakotans are doing things, number one, and secondly, how many people in this country don't know about what is going on? Which comes back to the fact that if we really want to have a broad spread impact and a good way of addressing things, we better have a better dissemination center.

Mr. RICHARDS. I think we do a lot of communicating. I went to a meeting last spring and one of the areas we talked about is retrofitting our buildings. I was listening to the president of the University of North Dakota telling how they had been inspected by the Federal Government relating to their handicapped services, and the number of dollars was astronomical because they were going to be required to change all of their water fountains so they would be at a lower level and the person in the wheelchair could use that.

Also, they were being asked to change all of their control panels on the elevator—again, so that that person in the wheelchair would have an opportunity to use the elevator. They were in the process of having architectural services draw up the plans when he happened to talk to one of his janitors that was wandering around. The janitor said, "I can't understand that; why can't we go ahead and put a little container with cups next to the water fountain and the person in the wheelchair could take a cup out and fill it up and take the water? "Along the same line, when he is entering the elevator, why can't we attach to a chain a small stick so he can take the stick or she can and punch the button and make the elevator go up?"

Lo and behold, they submitted it and it was approved. It was a great idea.

Again, the key there is flexibility. The regulations themselves aren't bad; we need the flexibility to be able to enforce them.

Mr. WILLIAMS. In that instance, the flexibility was there. As we go around, particularly as we have people come into Washington, DC, to testify in this regard, we hear two things. First, there ought to be flexibility; and, second, when we innovate in the States, there is flexibility.

You were allowed to use the stick on the elevator. You were allowed to place the cup somewhere else. The Federal Government simply said, we believe that people in wheelchairs should have a right to use the elevator. We think they should have a right to get a drink of water. We think this may be the best way to do it. You have another idea, tell us.

The States ought not to believe there is no flexibility. There isn't enough. Steve and I and others work all the time trying to create more flexibility, trying to get the regulators to try to be flexible, who are doing the best job they can.

That anecdote is one similar to what we have heard in the past. The Federal Government tries, as best it can, to be a good partner with the States, and States like Montana have helped to make it easier for the Federal Government to be a good partner.

I want to say to my friend Steve, I very much appreciate, Steve, your coming to Montana to be with us. Although Steve represents a nonrural area in Dallas, his younger life was spent in a rural area in Texas, and he fully understands the difficulties which face folks that live in those areas. So he is here because of his concern with our problems in the States which house literally millions of Americans who have problems similar to ours.

I am delighted you took the time out of what I know has been a very busy August for you to come to Bozeman and be with us, and I am delighted you all came today.

Thank you.

Mr. BARTLETT. Thank you. As I said earlier, it is a delight to serve on this committee with you.

The chairman has a plane to catch, which I hope he catches, by the way. You may not know it, but Members of Congress have a special arrangement with various commercial airlines. They agree to take off on time, and if we are not there, they take off anyway. Special little agreement that we have.

It is good to hear a Texas voice, although it has been awfully great to hear all the Montanans. Dr. Helge, who is from Austin, TX, don't ever give up that voice.

I have a number of questions. First let me delve into 70 pages of regulations that Mr. Richards and also Dr. Helge mentioned. What changes in them would you recommend? Would you recommend that they be simplified, reduced, improved?

We now have—again, we are in the 10th year, the 10th anniversary of 94-142. One attempt, which was an abject failure, was witnessed by the regional hearings around the country, was made to change the regulations. Where would you suggest that we go with the regulations at this point?

Mr. RICHARDS. From an administrative point of view, I would like to see most of them eliminated. I know that is impossible. I know the purpose of them is very valid.

I guess I would relay back to the state department and ask—I think those are the people that have the first line with them, and they are the ones that have to put up with us as administrators as we complain about the individual regulations. I think I would suggest that you request from the individual state departments any methods that they see for reducing those and see if we can't do it.

Mr. BARTLETT. Dr. Helge, do you have any opinions about those?

Ms. HELGE. The $7,500 requirement was the only requirement that continued to surface as we made approximately——

Mr. BARTLETT. My question, would you lower that $7,500 or abolish it? Where would you set—how would you handle the minimum?

Ms. HELGE. The people we talked with by phone were not suggesting that it be lowered. Instead they were suggesting that each state department be allowed to say you do not have to form a cooperative because in this area we realize you are so geographically isolated and such severe winters, and for other reasons, we realize it is impossible for you to have a collaboration. They were asking for flexibility not to cooperate if their State department knew they were implementing 94-142, but not using that one stipulation.

Mr. BARTLETT. So to have the funds flow through the State?

Ms. HELGE. Right, without the $7,500 being attached to that.

In other words, they don't want to be told if you cannot apply for $7,500, then you have to work with your neighbor. If their neighbor is in Alaska, for example, not even accessible by road, then it doesn't make a whole lot of sense to have to do that, or in eastern Montana. That is just an example. If in eastern Montana, it doesn't make sense for them to effectively collaborate.

Mr. BARTLETT. That sounds like it is abolishing the $7,500 minimum.

Ms. HELGE. The people we talked with were not that strong. They were not saying abolish. They were saying, "ask that our state department be given the option to say you do not have to go with that $7,500 requirement."

The only other thing they were asking for was caution in interpreting and pushing into policy things that had to do with serving severely handicapped kids in very remote areas. I gave the example of the residential school requirement.

Mr. BARTLETT. What about some of the other things, the individualized curriculum process or discipline or the adversarial sometimes relationships that crop up in due process? Were there other changes, definition of medical services and educational benefits? Are there other changes you would see?

Ms. HELGE. People that we called for this particular survey for the test and people in previous studies we have conducted said, "Yes, it was a hassle to implement, but we feel it is worthwhile and we would like to keep those specific issues." They are saying, in some ways it continues to be a hassle, but they were not saying they wanted those aspects changed.

Mr. BARTLETT. Mr. Richards.

Mr. RICHARDS. Yes; I would agree. I think most of those come forth with the due process.

It seems like early in this process we do it for 2 or 3 years and then we would change the definitions and go through the process again.

One comment, I liked her on specific parts of the program. For instance, in Plentywood, if we were to have a very severely handicapped person, you have to realize we only have two teachers.

There is virtually no way we can provide an appropriate education for that child if we have a very severely handicapped person.

However, the information put out in the mandate says we must provide it. Now, to provide it, it probably means moving that child 355 miles to Billings, because they are the only ones—that is the only area close enough to us to really get the help. In that case I would say the appropriateness of the education has to be defined in the locale of the area.

It was interesting that Kathy Kelker brought in Cut Bank as one of those schools where the parent moved the child from Cut Bank to Billings. Cut Bank is one of our larger schools in Montana, believe it or not, Plentywood is also.

When we talk about 200 schools, there is only about 16 large schools in the State where they could fully serve that type of a population. The rest of the schools depend on those larger areas for help, and I see no other way to complete it.

Mr. Bartlett. Dr. Helge, you addressed one of your recommendations on certification issues. I suppose what you mean is some additional flexibility on generic versus specialized personnel?

Is that what you have in mind?

Is there a problem that the Federal Government is part of the problem, or is it strictly a State issue?

Ms. Helge. It is not that the Federal Government is part of the problem. But I think it could be part of the answer, and, yes, it is partly generic versus specialized certification. It is also reciprocity issues.

I think if some of the data gathering that currently takes place out of DSA, and some that could take place were geared toward looking at some of those issues very carefully and finding models that do tend to work, and then spreading the word about those, that that would, again, be a partial answer. As it is now, it is not only true each State is different in requirements, but it is true we don't have a handle at all on what should be in this area.

We don't want to say someone comes out of a personal prep program and they can work anywhere. But there has got to be a middle ground between that and between the aspects of some States saying you have got to be certified in every single area in which you teach a child for a specific handicapping condition. It is just not going to work and it is not working that someone out of a personal prep program is trained to work with behavior disorders, multiple handicapped and on down. And those are the kids you will find in some of the small districts.

Mr. Bartlett. Those are State requirements in many States?

Ms. Helge. Right. Again, your question is particularly apropos that the Federal Government may not be part of the problem, but they could be part of the answer.

Mr. Bartlett. One final question. A question on parents.

I know Ms. Kelker is still here. There is a statement written somewhere that parents have the primary responsibility for the education of their children. In fact, that statement is a matter of Federal law in the creation of the Department of Education. Unfortunately, the Federal Government has forgotten it as soon as it was written.

I suppose my question from both of your perspectives, what do you see administrators doing to encouraging parents to come back into the classroom and get involved in the education of their children, or do you see that encouragement happening?

I have some fear that the adversarial roles have begun to take over in many school houses. Both sides come in with a full battery of lawyers and they file subpoenas at each other rather than decide to put the cups for the water fountain out.

Mr. RICHARDS. I think you are looking at individual school districts. It would depend upon that individual school district, how the administrator, and how the staff work with the parents.

I feel in our school district we have a very good relationship, have not had adversarial conditions. I have found—I am a parent of a handicapped child, and I think the effort that we put into her education, and the effort that I see other parents of handicapped children, far exceeds the efforts of a normal child. The rewards exceed the rewards for a normal child, also.

Mr. BARTLETT. Is there anything we can do, and perhaps not, I don't know that it is a matter of Federal mandate. Is there anything we can do to encourage that conversation to occur between the school administrators and teachers, given the school board and parents?

I will never forget the parent that we had a good conversation with who was in a Federal lawsuit. As well she should have been, she prevailed at every level, including all the way through the fifth circuit, and then back to the Federal circuit. Yet, the disturbing thing, she had come to talk to me twice, I was a member of Congress some 200 miles from her home, we had a good conversation, and at the conclusion, she had been in this lawsuit for 3 years, I asked her what her school board members said when she raised these same questions. She said she had never talked with her school board, and they had been through two campaigns in elections of school boards since then. It wasn't her fault, she had been discouraged both by her attorney and by the school board from talking with her. So she—it was like I didn't want to go all the way to the top to the school board, so I came to Congress instead.

I know Ms. Kelker wants to answer that.

Ms. KELKER. I am on the school board.

Mr. BARTLETT. What is it that keeps parents from talking to the school board and encourages them to come to Congress instead?

Ms. KELKER. I think your experience may be a little bit different in Texas. Part of the regulations in Montana require that when there is a disagreement and it goes as far as this kind of discussion, that it goes first to the school trustees. We are just really getting into that process, and I think it is going to work.

You are right to point out that that is where it should begin, with the school trustees. We have had very few serious disputes in Montana. I think we have basically a good record of responding to the law.

Where there are difficulties, I think they arise from administrators who have to been part of the 94-142, who began their careers long before the law and were having real problems with parents coming in and asking for things that they had not been used to providing in the past.

The example of the severely handicapped child, I think, is a good one. But that information is gradually getting out to all the places it needs to go.

A lot of our parents don't know what to ask for, and they need to be trained so they can ask appropriately. I don't think we are going to have these enormous disputes in Montana.

We have a good history of negotiating on an informal basis. Not that there aren't problems, there really are some serious problems, but I think that is much perferable. I don't think we will have litigation on the order you are talking about.

Does that answer your question?

Mr. BARTLETT. Thank you.

Dr. Helge, any comments on the role of parents?

Ms. HELGE. Yes, I think I am more concerned about the parents we never hear from, to be honest with you.

We had a lot of research that indicated that parents were basically rubber stamps. Rural parents in many isolated areas feel that they do not have expertise, should not have a role with the school system, and fully have nothing to offer. There are also isolated rural areas in which there is no standard of excellence for them to look at. Therefore, they don't know what could be.

I am particularly enthusiastic and our group is about the things that Mrs. Will has done, such as building in competitions, encourging of advisory boards to include parents. The RC's are good examples of that, and also encouraging dissemination about what parents can do into the remote areas. I think if we extend the advisory board movement, and also encourage, meaning the Department of Education encourages, training programs to look at these issues.

Almost every university in this country has a course on how to work with parents, but that is not enough. I think that needs to be extended significantly so we can really look at the parents we don't ever hear from.

Mr. BARTLETT. Thank you.

I very much appreciate, Dr. Helge, the extra preparation you went to for this testimony. I find it to be valuable; and it will be used in the formulation of the legislation. So, I appreciate you and your entire institute for that.

On behalf of the entire subcommittee, I want to thank all of the witnesses that have participated in this hearing. It has been an extraordinarily learning experience for me and for the four or five members of staff who have been sitting around taking notes, or will when we get back to Washington.

[Additional statements submitted for the record follow:]

MONTANA ASSOCIATION OF SCHOOL PSYCHOLOGISTS,
Helena MT, August 21, 1985.

Representative PAT WILLIAMS,
Helena, MT.

DEAR REPRESENTATIVE WILLIAMS AND COMMITTEE MEMBERS: The Montana Association of School Psychologists (MASP) is deeply concerned about possible regulatory changes in the Education of the Handicapped Act. As psychologists, we provide services to handicapped children and their parents throughout the entire Special Education process, from identification to service delivery such as counseling or consultation. Due to our extensive involvement, we offer the following comments.

PREPARATION OF SPECIAL EDUCATION PERSONNEL

Without Federal guidelines as they currently exist regarding qualified personnel both the scope and quality of services available to the handicapped would be hampered. Educational "titles" abound. Federal guidelines serve a useful way of clarifying what certain personnel should be competent to do as these services are easily misunderstood by lay personnel.

MASP has been very active in the training process of special education personnel including inservice training, development of a Beast Practices manual in conjunction with the Office of Public Instruction and, most recently, a manual on identification of Learning Disabled students. Grants from State and Federal agencies have allowed us to accomplish these things. We hope their worth will speak on behalf of continued funding in this area.

GENERAL REGULATORY CHANGES

MASP has participated in the development of state regulations that allow for effective procedures in implementing the intent of the Handicapped Act. Current regulations as they exist do represent appropriate services and to see extensive changes or limitations of existing regulations would hamper current operable levels.

LACK OF SUPPLEMENTAL PROGRAMS

Environmental, cultural and economic factors continue to interfere with many students academic progress yet many programs which serve these children, such as Chapter 1, have been cut drastically or rural states such as Montana do not have the population base to qualify or students are too widely spread to serve. Many of these children have been inappropriately shunted to overloaded Special Education programs as the only alternative for special assistance. MASP believes that in addition to maintaining current protection for handicapped children, protections and safeguards must be developed to assure the rights of children who are at risk for school failure and require services while remaining in general education without classification as handicapped. Our national association (NASP) has done an excellent job of consolidating our concerns in a Position Statement I have attached to this letter.

I am also enclosing a copy of comments made to previously proposed changes to Public Law 94-142 by our association as I believe they still reflect current concerns.

Thank you for the opportunity to address your committee.

Sincerely,

JUDITH A. BURKHARTSMEYER, Ed.S.,
President.

[Whereupon, the hearing adjourned.]

IMPORTANT ADVOCACY NOTICE

ADVOCACY FOR APPROPRIATE EDUCATIONAL SERVICES FOR ALL CHILDREN—POSITION STATEMENT

P.L. 94-142 (The Education for All Handicapped Children Act) has achieved major goals in serving handicapped children, many of whom had been previously excluded from appropriate educational programs. Since its enactment in 1975, all handicapped children have been guaranteed a free and appropriate education, the right to due process, and individualization of program according to need. We strongly support and continuation of legislation which has mandated these guarantees.

We also recognize that serious problems have been encountered as school districts strive to meet these mandates and that quality education is still an elusive goal. Some of these problems reflect difficulties within special education; others appear to be special education issues but have their origns in the regular education system.

One major set of problems involves reverse sides of the issue of access to appropriate education: (1) On the one hand, access to special education must be assured for all significantly handicapped children who need and can benefit from it. (2) Conversely, children are being inappropriately diagnosed as handicapped and placed in special education because of: (a) a lack of regular education options designed to meet the needs of children with diverse learning styles, (b) a lack of understanding, at times, of diverse cultural and linguistic backgrounds, and (c) inadequate measurement techologies which focus on labels for placement rather than providing information for program development.

It is not a benign action to label as "handicapped: children who are low achievers but are not, in fact, handicapped, even when this is done in order to provide them with services unavailable in general education. School personnel often resort to labeling because it seems the only way to obtain needed services for children. This is an unfortunate result of categorical models which attach funding to classifications. Other problems originating in the classification system include:

Labels that are often irrelevant to instructional needs.

Catetories, based on deficit labels, that are rather arbitrarily defined, particularly for mildly handicapped and low achieving students, but which come to be accepted as "real" and may prevent more meaningful understanding of the child's psychoeducational needs.

Reduced expectations for children who are placed in special needs programs.

Assessment processes aimed at determining eligibility which often deflects limited resources from the determination of functional educational needs and the development of effective psychoeducational programs.

A decreased willingness on the part of regular education, at times bordering on abdication of responsibility to modify curricula and programs in order to better meet the diverse needs of all children.

As increasing numbers of children are classified as handicapped and removed from regular classrooms for special instruction, there has been a dramatic reduction in the range of abilities among children who remain within the general education system. Concurrently, as national standards for excellence are being raised, the number of children at risk for school failure is growing dramatically. Without provisions to prepare students for higher expectations through effective instructional programs, many of these children may also be identified as handicapped and placed in special education. This climate, in which children are tested and labeled as failures or as handicapped in increasing numbers creates an urgent need for reexamination and change in the system which provides access to services.

In view of these problems, and based upon the commitment to see that all children receive effective and appropriate education irrespective of race, cultural background, linguistic background, socioeconomic status, or educational need, we believe.

All children can learn. Schools have a responsibility to teach them, and school personnel and parents should work together to assure every child a free and appropriate education in a positive social environment.

Instructional options, based on the individual psychoeducational needs of each child, must be maximized within the general education system. Necessary support services should be provided within general education, eliminating the need to classify children as handicapped in order to receive these services.

Psychoeducational needs of children should be determined through a ulti-dimensional, non-biased assessment process. This must evaluate the match between the learner and his or her educational environment, assessing the compatibility of curriculum and system as they interact with the child, rather than relying on the deficit based model which places the blame for failure within the child. Referral to the assessment and placement process must always relate directly to services designed to meet psychoeducational needs.

In addition to maintaining current protections for handicapped children, protections and safeguards must be developed to assure the rights of children who are at risk for school failure and require services while remaining in general education without classification as handicapped.

We propose a new national initiative to meet the educational needs of all children.

We propose the development and piloting of alternatives to the current categorical system. This requires reevaluation of funding mechanisms, and advocacy for policy and funding waivers needed for the piloting of alternative service delivery models. It also requires the development of increased support systems and extensive retraining of all school personnel to enable them to work effectively with a board range of children with special needs with the regular education system. This initiative will encourage greater independence for children by enabling them to function within the broadest possible environment, and independence for school personnel by providing them with training and supports so they can help a wide range of children.

The types and extent of change we are suggesting should be made cautiously. Targeted funds intended for children with moderate and severe handicapping conditions must be protected. Similarly, resources for children who are not handicapped, but who experience learning difficulties, must be protected even though these children are served within general education. We need to assure that no child is put at risk for loss of services while the change process is occurring.

Our task is to reduce the rigidities of the current system without taking away the protections offered by P.L. 94-142. All experimentation and research must take place within a framework of maximum protection for children. It is highly likely that this may require the development of temporary parallel systems—the traditional system of classification and placement under P.L. 94-142, and a system of experimental programs, primarily within general education—until satisfactory models can be developed which meet the requirements of accountability, due process, and protection of students' and parents' rights, and provide funding for students in need of services. In addition, while these recommended modifications might reduce the risk of misclassification due to cultural or linquistic differences, we caution that these issues must continue to be monitored and discussed during the transition period and beyond.

Because of the complexity of these issues, the generation of effective solutions will require a national effort of interested persons and organizations which we hope to generate through this task force. We will actively work toward the collaboration of a wide variety of individuals and organizations, joining together to develop a strong base of knowledge, research, and experience in order to establish new frameworks and conceptualizations on which to base decisions, design feasible service delivery options, advocate for policy and funding changes needed to implement these alternatives, and coordinate efforts and share information for positive change. We invite you to join with us.

Passed by the Executive Board/Delegate Assembly of the National Association of School Psychologists on April 10, 1985.

MONTANA ASSOCIATION OF SCHOOL PSYCHOLOGISTS,
Helena, MT, October 19, 1982.

Dr. EDWARD SONTAG,
Special Education Program,
U.S. Department of Education,
Washington, DC.

DEAR MR. SONTAG: The Montana Association of School Psychologists (MASP) is deeply concerned about proposed regulatory changes in Public Law 94-142. As psychologists, we provide services to handicapped children and their parents throughout the entire Special Education process, from identification to service delivery such as counseling or consultation. Due to our extensive involvement, we offer the following comments on the proposed regulation changes. Our primary focus when we discussed these proposals was how each could affect the quality and availability of services for handicapped children. While we recognize that certain aspects of the current regulations need clarification and possible revision, to insure the most productive use of funding, we feel the obvious intent of PL 94-142 was, and must remain, a guarantee of free appropriate public education for handicapped children.

We are encouraged by Secretary Bell's recent statement that several areas of the proposed revisions would be withdrawn for further consideration. We offer our comments so that they may be of use in re-examining all such proposed changes.

QUALIFIED PERSONNEL

Removal of the definitions of who is qualified to provide "related services" endangers both the scope and quality of services available to children. Without Federal guidelines, many state standards in psychological services, for example, do not exist, or are insufficient to guarantee the full spectrum of professional services needed when dealing with handicapped students. In a time when educational titles abound, Federal guidelines serve a useful way of clarifying what certain personnel should have the competence to do, as these services are easily misunderstood by administrators and lay personnel.

DEFINITION OF "SERIOUSLY EMOTIONALLY DISTURBED"

MASP supports including "socially maladjusted" children within the definition of emotionally disturbed. However, we would like to see the categorical label "emotionally disturbed" re-evaluated. Often, social and/or behavioral distubances where no severe pathology is yet present results in needed special educational services. A more educationally based label would seem both more appropriate and acceptable to all involved.

RELATED SERVICES

We feel parents and their handicapped children face special challenges and may require different and unique support than schools traditionally provide. The proposed removal of services such as health, medical, or parent training and counseling is opposed by MASP. These services are often the difference between a child being able to benefit from or not benefit from, his or her education. For example, we are greatly concerned that emotionally disturbed children receive mental health services that could be eliminated under proposed regulation changes. Finally, deletion of the definition of "related services" eliminates any guarantee of uniformity in public education standards which currently helps to insure that all children receive appropriate educational services.

LEA FINANCIAL RESPONSIBILITY

Relieving local education associations of much of the financial responsibility when children are unilaterally placed by parents or another agency in a special education school or institution may be appropriate. However, we are concerned that this will severely limit access to such facilities for students who need it. We hope revisions would include guidelines that empower and fund other agencies to serve children in need of institutionalization due to reasons other than their educational needs.

DISCIPLINARY STANDARDS

While MASP supports the proposed section that disciplinary standards must not discriminate against handicapped children, we recognize the unique challenge that emotionally disturbed children present. Further clarification to protect the rights of such children prior to exclusion from school appears needed so that the burden of proof is not left solely with the child or parent regarding their right to a free, appropriate education.

TIMELINES

The thirty day time limit in which to develop an IEP following determination that a child is handicapped appears reasonable and should be kept to prevent unreasonable delay of services.

PARENT INVOLVEMENT

MASP feel that parental involvement has been a positive thing and we hope that all efforts at weakening such involvement in these proposed changes will be reconsidered. The ultimate benefits of working with parents, and thus keeping to a minimum "fair hearings", are great. A child's best interests are never served by creating animosity between school, parent and child.

Parent participation in the development of an IEP and in placement, including use of an interpreter, if necessary, are admittedly an administrative burden. However, we feel that it is important, especially to handicapped students who may have limited understanding of their needs and rights, that their best advocate understand these educational needs. Parental support is essential to all education.

EVALUATION AND PLACEMENT

MASP strongly believes that there is danger in not comprehensively and thoroughly evaluating a handicapped student from a number of professional perspectives. A multi-disciplinary approach, both in the initial evaluation and IEP meeting, is essential to a child's educational success in the least restrictive alternative. Current regulations allow for variation in the nature and scope of these assessments. MASP recommends the language of the current regulations be maintained.

WRITTEN REPORTS

Deletion of the requirement for written reports, (while very tempting to our overworked members), is opposed. Such reports document evaluation findings and recommendations made and are useful in measuring growth upon re-evaluation. Most importantly, they insure continuity of programming, teacher to teacher, school to school and state to state. With the mobility of families increasing, we find written reports very helpful in avoiding service delays for new students within our state.

LEAST RESTRICTIVE ENVIRONMENTS

Deletion of LRE requirements would appear to us to encourage the segregation of handicapped students in that it appears to dispose of mainstreaming. These requirements are the basic tests of least restrictive environments and their removal leaves no incentive to states or LEA's to maximize normal educational experiences, insofar as possible, to the handicapped.

STATE PLANS

While MASP would support a number of the changes proposed regarding state plans, we question the cost-effectiveness of such proposals. Also, while we believe that the intent of the proposed changes is to place more decision-making with the SEA's and LEA's, we see little opportunity for local, public imput. Such plans must be open at *all* levels to public input and review, if they are to be successfully implemented and supported by the communities.

SUMMARY

MASP is deeply concerned about the proposed regulatory changes discussed above and the limits they place on the quality and availability of services to the handicapped children we serve. We believe that, while the intent of such changes was to reduce the administrative burden for SEA's and LEA's and to clarify current regulations, the current revisions, instead, add confusion. We foresee much more litigation and fair hearings if these are adopted, for these changes represent a serious erosion of the educational rights of handicapped students and their families, granted and intended by Public Law 94-142.

Therefore, MASP recommends that the Department of Education withdraw the proposed regulatory changes in their entirety and, after completion of the public comment period, issue a new set of proposals with the aid of the many national organizations, such as MASP, who have offered such assistance and whose intent is to maintain the spirit and integrity of services to handicapped students intended by 94-142.

Sincerely,

JUDITH A. BURKHARTSMEYER,
MASP Legislative Chairman.
GAIL SWAGART,
MASP President.

EASTERN MONTANA COLLEGE,
Billings, MT, August 20, 1985.

Hon. PAT WILLIAMS,
Congressman, U.S. House of Representatives,
Helena, MT.

DEAR REPRESENTATIVE WILLIAMS: I am most pleased to be able to provide written testimony supporting the need for further special education services for rural areas. Having been involved in teacher preparation training for ten years, the most recent four in Montana, I am well aware of many of the difficulties which are unique to providing services in rural areas. Foremost among these needs is the need for teacher training programs which adequately prepare teachers to provide services to students with varied educational handicapping conditions. Many of our graduates have expressed the frustration of instructing one or two moderately to severely handicapped students in a self-contained classroom while attempting to operate a resource room for 15-25 other students. Provision of services for low incidence populations is complex in rural areas due both to the demands of simultaneously providing services to learning disabled students and to the specialized training that is needed to adequately instruct the more severely handicapped students. Montana could most assuredly benefit from both additional support for teacher preparation for rural areas and from assistance with funding special programs in rural areas.

However, despite the seriousness of the need for more general support for rural preparation programs, my experiences in Montana lead me to believe that the lack of preschool programs in many rural areas in Montana and teacher preparation for such programs, remains the most serious concern related to provision of special education services in Montana. As of 1983, forty-six states require special education services for children 3-4 years of age, seven states provide special education from birth, and twenty-four states have permissive legislation and provide some sort of support to local education agencies (Mallory, 1983). Montana remains one of the few states without mandated preschool services. Montana currently lacks provision for certification for preschool educators as well.

A summary by the Montana Office of Public Instruction (February, 1984), reports a total of 1,562 preschoolers, ages 0-5 with handicapping conditions, in Montana. Of these, 894 fall within the 1-4 age range and of the 894, 675 are currently being served by school districts. The remaining 217 are served by home-based services. However, in counties with only 1-4 children with preschool handicapping conditions, most are receiving inadequate services in local preschools which do not include special education programs. A recent estimate suggests 200 preschoolers in rural areas are receiving little or no services. Of particular concern in Montana as well, are the number of Native American children on reservations without preschool services. During 1985, there were 1,438 births on reservations. It is estimated that handicapped infants on reservations 0-2 years, is 3.5 percent, 3-5 years, 4 percent, and for 6-8 years, 16 percent. Most Indian reservations do not have specialized preschool services.

In order to adequately meet the needs of preschool handicapped children in Montana, legislation is needed mandating preschool services and funds are needed both to support these programs and to assist colleges and universities as they attempt to provide adequate teacher preparation to meet the unique needs in rural areas. In regard to teacher preparation, it has been suggested (Mallory, 1983), that long term internship experience is a needed factor.

In order to adequately prepare educators for preschool classrooms in rural areas, several factors need to be added to teacher preparation programs. Rural-focused modules need to be introduced into special education coursework, practicum experiences need to be introduced into rural areas with dual university and rural supervision and specialization in preschool handicapped education needs to be introduced with the concomitant coursework.

Based upon my understanding of the literature, my direct involvement in special education classrooms and my interactions with parents, teachers, and handicapped children through my professorship, my involvement with the Council for Exceptional Children and my coordination of the annual Symposium on Early Education and the Exceptional Children, I perceive that if the need of rural education and preschool education are not addressed, the future for handicapped children in Montana will suffer, lagging behind advances in other states. Additionally, students without early educational experiences and related special services, encounter the following problems: greater motoric deficiencies due to the lack of adequate occupational and physical therapy; greater speech and language impairments due to the lack of early speech and language therapy; greater cognitive deficits which can never be totally remediated due to the lack of early educational advantage; and greater social deficits due to early years where socializational experiences under specially trained personnel are not available. Handicapped students and their parents in Montana are currently not receiving the advantages of the state of the arts. Home-based and center-based preschool programs are needed in Montana and teachers need to be adequately trained to interact with handicapping conditions varying from mild deficits to autism, orthopedic and severe mental impairments. Programs need to be developed which include an adequate number of hours of training each week. Children receiving weekly and bi-weekly visits from home trainers obviously are receiving far less than those enrolled in programs which meet on a daily basis. While home-based services may be adequate for the 0-2 range, center or school based programs which meet daily provide the intensive instruction needed for the 3-5 year olds.

Preschool special education programs have proven to be cost effective with savings for $9,000-$20,000 reported (Garland, 1980, Wood, 1980). Obviously, not only the preschool child and his/her family, but society in general benefits in many ways from the provision of preschool services. Some children receiving preschool special education services can be mainstreamed directly into regular classrooms and never again have a need for special education services. For others, the length of special education involvement is reduced. And yet for others, their skills are increased dramatically due to this earlier start. Parents of preschoolers should not have to bear the burden of specialized educational and treatment related services. Failing to provide adequate special services to preschoolers appears to me to directly contradict the tenets of PL 94-142. I urge your subcommittee to seriously consider authorization of funding and legislative change.

Thank you for your efforts on behalf of handicapped children and their families.

Sincerely,

CHRISTINE Y. MASON, Ph.D.,
Associate Professor.

Mallory, B., The Preparation of Early Childhood Special Educators: A Model Program. *Journal of the Division of Early Childhood.* (1983) Pg. 32–40.

Garland, C. Stone, N., Swanson, J., and Woodruff, G., (Eds.) (1980) *Early Intervention for Children with Special Needs and Their Families-Findings and Recommendations.*

Wood, P. Cost of Services. Garland, C., Stone, Swanson, J. and Woodruff, G., (Eds.) (1980) *Early Intervention for Children with Special Needs and Their Families: Findings and Recommendations.* Interact.

MONTANA RURAL EDUCATION CENTER,
WESTERN MONTANA COLLEGE,
Dillon, MT, August 22, 1985.

Hon. PAT WILLIAMS,
Helena, MT.

DEAR PAT: I want to thank you for the opportunity to submit written testimony for the record pertaining to the special education needs of the rural students in Montana.

Montana is a large state with many small rural school districts. We have over 200 schools in Montana with an enrollment of less than 100 students each. We also have 106 one-room schools that 10 students or less with the smallest school having only one student. The one-room school in Montana is not disappearing as many people in Montana think because of isolation and distance.

Isolation and distance is another factor in Montana. Many of these schools are more than 50 miles from a town or city, and the most isolated school is more than 75 miles from a city. Many of these schools are located on gravel roads also.

We must remember that the student is the most important consideration in providing service for their special needs. We as educators must do the best job possible to provide the best special education no matter where the student lives.

I will address some of the areas from my experience in the rural schools that I feel need to be addressed for the future. We serve the teachers and students in the field and have first hand experience of the needs in rural schools.

I. SPECIAL NEEDS IN SERVING THE HANDICAPPED IN RURAL AREAS

1. In-service training and staff development in the field is essential for the rural staff. With the distance and the time involved in traveling, it is important that workshops with the rural teachers and the special education specialists be held in an area where three or more counties can combine the staff for in-service.
2. Money for resource centers and up-dated media material for the schools through the special education coops is also a need in the rural schools.

II. GRANTS

1. Competitive grants usually are awarded to larger schools. The small rural schools have a definite need for grant money to train and update special education teachers. Small grants through our center or the Office of Public Instruction specifically for small schools are a must. Rural people are important also.

Thank you again for this opportunity. Dr. Douglas Treadway, President of Western Montana College and The Montana Rural Education Center are dedicated to serving rural Montana. Please call us at any time if we can be of assistance.

Sincerely,

RALPH KROON,
Director.

PREPARED STATEMENT OF SUSAN E. LEHINGER, ED.D., DIRECTOR, HUMAN SERVICES AND EDUCATION DEPARTMENTS, FLATHEAD VALLEY COMMUNITY COLLEGE, KALISPELL, MT

Congressman Williams, Congressman Bartlett and distinguished members of the Select Committee on Education, Thank you for this opportunity to submit testimony to your committee regarding the re-implementation of Public Law 94-142. It is an honor to participate in the on-going efforts of the U.S. Congress to provide equal educational opportunities to all children.

First of all, let me identify myself and explain why testimony from me may be significant to the findings of the Select Committee. My experience with the educational system and handicapped children within it began with my own child 24 years ago, before the advent of such landmark legislation as that passed in the 1970's. Since that time, I have been involved in with hundreds of other handicapped children and adults in my capacity as a psychologist in a federally certified Institution for Mentally Retarded, as a psychologist for Developmental Disabilities Region 1 in the state of Washington, as a social worker dealing with foster care and child protective services also in the state of Washington, and in my capacity as an educator of human service workers and educators and consultant to children who have learning disabilities and developmental disabilities in the state of Montana. Lest you think that my experience has been only with handicapped children, I should add here that I have reared a total of six children of my own and two foster children.

My background includes undergraduate degrees in sociology, social work, and anthropology, master's degrees in developmental psychology and public administration as well as a doctorate in education. In the past 10 years, I have been involved in five research projects dealing with the learning strategies of children and developmentally disabled adults.

Initially, I would like to commend you for having the foresight to enact legislation of the quality of PL 94-142. I feel that one of the best things that it has done for the education of the handicapped child is to establish the multidisciplinary team approach to the problems of the child. Rather than a one-track approach, we now are able to look at the child's entire repertoire of behaviors and capabilities. In short, we see the whole child rather than bits and pieces of him/her. Further, PL 94-142 has recognized the need for parental participation in educational outcomes. In spite of the fact that some parents must enter an adversarial relationship with school districts in order to obtain the benefits offered under the law, they can now assist on being involved in the educational plan for their child.

All in all, many people are afraid to suggest changes in PL 94-142 because it is so much better than anything they have had in the past. Let me contrast the past with the present for you.

Take the case of Sheila, a petite normal-looking brain-injured child whose disability caused her to be kept back in the first grade. There was no testing offered, no suggestion of anything other than "failing". When it came to leaving the fourth grade, Sheila was again "failing". Had the parents not insisted that Sheila, who by now was 13 years old in the fourth grade, be tested, and had the one psychologist (serving a major school district alone) who tested her not "just read an article about those kinds of problems" she would never have been anything but a "failure" in her life. At age 13, Sheila was placed in a self-contained special education classroom (today, a resource room would have sufficed) and "socially passed" through the remainder of her school years. The prognosis for Sheila is a lifetime spent in "protected settings". No one knows what the prognosis might have been had she been the recipient of services such as those provided under PL 94-142.

In contrast, take the case of Scott, a normal-looking boy of 12 years old who suffers from mixed dominance problems, has delayed verbal processing and who had developed behavior problems due to frustration. A third party evaluator/consultant was called in by the parents, screening was done by a neurologist, a psychologist, a pediatrician, an optometrist, and a speech pathologist. The child was removed from the school setting temporarily on recommendation of the child study team, overcame his behavior problems through one to one positive intervention and is in the process of being intergrated back into the regular classroom. The prognosis for Scott to succeed in life improves daily as he overcome his learning disability through the use of innovative teaching methods allowed and funded through PL 94-142. Had the consultant not been trained in positive behavior change techniques, the outcome might have been different even with PL 94-142.

All is not completely well with PL 94-142. While it is indeed a miraculous piece of legislation, it must be improved if children like these mentioned are not to slip through the cracks in the law. For example, the funds for teacher training and perent training are discretionary. Teachers are not trained in our schools of education today to deal with such complicated problems as they are seeing. A child with a learning disability such as that described above cannot be handled with punitive methods of with ordinary behavior modification methods. From school entry, Scott had struggled with inability to cope with his environment and its overstimulation. Pressures to conform via behavior modification only made him more frustrated. Most colleges and universities teach disciplinary procedures which would not work with most learning disabled children. Most universities and colleges offer minimal training to education majors in the area of developmental disabilities and practicum placements with seriously developmentally disabled or learning disabled children are practically non-existent. Federal IMR regulations for institutions receiving federal funds require more specific monitoring of program approaches than does anyone of methods applied in our school systems. The initial program for correcting Scott's behavior was so-called "compliance training" which required him to respond within 5 seconds to a command or be restrained. The prognosis for him, had the program been implemented, was a lifetime of institutionalization as the behavior worsened to the point of uncontrolled violence or possible mental breakdown. Thousands of children are in the same position thoughout the United States. Should we fire the professional who writes such a program? The current system of education for educators teaches just such "compliance training" as a viable mode of behavior modification. Why not train the professionals and teachers in methods other than the ones that have been the old stand-bys so that they can cope with the students they are required to teach. Some colleges and universities have begun to search for and hire faculty members who have the ability to teach education majors who are interested, the different approaches needed to cope with severely handicapped or learning disabled children. That still does not deal with the problem of teachers already in the field who do not have the skills ot cope with mainstreamed children. When they went to school, the courses were not ever optional—they did not exist.

In a book called "Weeping in the Playtime of Others," Kenneth Wooden has called attention to the large numbers of children who are incarcerated by our juvenile justice system because of behaviors which result in their being excluded from our educational system. Charles Manson was one of those. How many of such children could become useful, taxpaying citizens if teachers had more understanding of learning disabilities, developmental disabilities, and special strategies of teaching which applying to those children?

Parent training is also necessary. Not only in the way to participate in the child's education by knowing what the legal rights of the child are, but also in methods of reinforcement of the school program in the home environment. it is a well known fact that handicapped children fare better if the treatment of problems is consistent from school to home and vice versa. To assume lack of interest on the part of parents is incorrect. Inability to participate because of lack of understanding of the law is more accurate. Parents who have become aware of current attempts in the Kalispell area to obtain support and funding for a demonstration project designed to provide such training for professionals and teachers as well as to prevent the necessity of shipping their children out of the state of Montana for free and appropriate education have suggested that they are extremely interested in such a demonstration project. No child should have to be sent into another state for an appropriate education. Especially in the light of recognized need for parental involvement in his/her education. Parents who have been contacted in other states have expressed similar interest in training educators in new strategies in order to avoid such practices as sending children to learning centers in other states. Such projects are extremely difficult to obtain funding for in the current system of competition for grants and have been exceptionally difficult to obtain in states having rural status and smaller populations.

Recognizing that the courts have ruled that education that is inappropriate is a violation of the child's rights to free and appropriate education no matter how steeped in tradition it is (Wyatt v. Stickner, 1972), the following recommendations are offered for your consideration.

RECOMMENDATIONS

1. With respect to Part B, Reg. 300.320 and Reg. 300.321. Second priority children (no longer second priority but first priority) and with respect to Part C., Reg. 300.380 through Reg. 300.387; change discretionary use of funds to mandatory use of funds for personnel development and in-service training.

2. Make at least one training center and/or demonstration project for personnel training mandatory in each state. Make grants available to each state in pro-rated amounts according to population and need.

3. Remove discretionary status from funding for parent training (Part D.) and make one state program for parent training mandatory in each state. Grants should be available equally to states regardless of population or rural status. Amounts could be adjusted according to population and need.

4. Require that each grant funded for personnel, in-service and/or parent training have a legitimate research component. The outcomes of such research components to be shared with educational systems throughout the nation.

PREPARED STATEMENT OF THE MONTANA ASSOCIATION FOR CHILDREN AND ADULTS WITH LEARNING DISABILITIES

Montana Association for Children & Adults With Learning Disabilities (MACLD), a parents advocacy group, appreciates the opportunity to participate in this Conference on Transition.

We are gratified by the recent intent of Congress to provide funding for expanded high school vocational and transition services for handicapped students. It has been our experience, however, that funds in the past for these programs have been primarily allocated for the more severely handicapped.

Developing a comprehensive service continuum for handicapped youth with regard to high school, postsecondary and/or adult services which will lead to employment is imperative. Responding to the needs of those individuals at the higher end of the handicapped spectrum will present a unique challenge. Although some of these individuals may not require support services, many will.

Following is a brief analysis of present programs and options for the learning-disabled:

High School

The majority of learning-disabled students do not have access to appropriate career counseling and/or vocational experiences while still in high school. High school special education resource rooms are often patterned upon the approach used at the elementary level. It is not unusual for secondary resource room teachers to tutor learning-disabled students in the entire high school curriculum. This approach is unrealistic and assumes that the increased academic requirements adopted by many school districts seeking "excellence" in education are appropriate for all students. Higher academic standards have also become synonymous with college preparation. Statistics indicate that 80% of the jobs in the United States do not require a college degree and that most students will not obtain one. (*The Unfinished Agenda*, p. 1, National Commission on Secondary Vocational Education) Present vocational opportunities for learning-disabled students, if they exist at all, are often based on the assumption of low job skills. Learning disabled students often must choose between an inappropriate vocational experience and an inappropriate academic curriculum.

College

College is a viable option for some learning-disabled students. These students often find that accommodations for their learning handicaps do not exist. Colleges with specific programs for learning-disabled students are few, expensive and may have waiting lists.

Other Postsecondary Services

Learning-disabled students upon graduation from high school suddenly find themselves without access to special services of any kind to help them make the transition to other postsecondary, adult services and/or employment. There is a great difference between being unemployable and "handicapped". Individuals with learning disabilities alone cannot qualify for a program like Supplemental Security Income, for example. Vocational rehabilitation and other traditional handicapped services are not available for the majority of learning-disabled individuals. The "fall through the cracks" of the present service provider system, which serves the more severely handicapped, but is inappropriate for learning-disabled adults. Vocational technical centers cannot serve them until they are 16 years old and have left high school.

Public Welfare Programs

Because of the present lack of appropriate vocational and job training opportunities which could begin in high school, we believe that a substantial number of learning-disabled individuals are presently on public welfare programs. The loss of their productivity can be measured in ever-increasing welfare costs. Without access to job training and employment opportunities, this situation will not change.

Montana ACLD recommends

(1) Staff development programs so that high school teachers feel comfortable with learning-disabled and other mainstreamed handicapped students and can work more effectively with them;

(2) High school career counseling, vocational education, and job training based on learning-disabled students' aptitude, interests, and abilities;

(3) An evaluation of current secondary learning disability special education programs to determine actual student needs and how to meet them;

(4) A comprehensive continuum of services for those handicapped individuals at the higher end of the handicapped spectrum including high school, postsecondary and/or adult services and initial years of employment, if necessary. The continuum should include opportunities for learning-disabled students to utilize vocational technical centers when appropriate before they graduate from high school;

(5) A commitment by Montana colleges to provide the counseling and academic support services necessary so that learning-disabled college students may complete their chosen courses of study;

(6) Involvement, input, and support from community business and labor leaders in designing and implementing job training programs for the handicapped, including the learning-disabled.

Of all of those presently served by federal law as "handicapped", the learning-disabled are the largest majority and the least served. They also have the highest potential for competitive employment. It is time services so long promised to them become a reality.

University of Montana,
Department of Psychology,
Missoula, MT, August 16, 1985.

Representative Pat Williams,
Helena, MT.

Dear Representative Williams: I am writing to submit testimony for the hearing in Bozeman, Montana regarding reauthorization of P.L. 94-142. I am the professor of school psychology at the University of Montana where the state's only training program for school psychologists resides.

I am in support of reauthorization of P.L. 94-142 and believe it has accomplished remarkable benefits for handicapped children. Further, I believe that Montanans are moving more and more effectively toward the goals of P.L. 94-142. But I wish to leave testimony regarding most of the issues to others and focus mine on support for training of school psychologists in a rural state like Montana.

Montana's school psychologist training program has been in operation since Fall, 1978. It was designed to utilize two professors, but has had only one so far. The special materials necessary for instruction have been borrowed from school districts and are gradually being purchased with instructional grant monies available at UM or being gone without. The program has worked closely with the Montana Association of School Psychologists and local professionals. It has been formally regionally approved as a training program.

We are now making minor revisions in the program to prepare for review by the national accrediting agency (NCATE) in Spring, 1987. Given those changes, our students will graduate with a Master of Arts and educational specialist degrees with two years of graduate study and a year of internship.

Our program will be ready for the review, but will be criticized, perhaps "warned", or even not approved because we lack a second professor which is required by the accreditation standards. Restricted budgets and campus priorities have not permitted hiring a second professor or obtaining more adequate educational supplies.

Well-trained school psychologists are critical to moving effectively toward the goals of the P.L. 94-142, and yet rural states like Montana have difficulty providing such training. I am requesting that you consider P.L. 94-142 funding including support for rural state school psychologist training programs.

Sincerely,

George C. Camp, Ph.D.
Associate Professor of School Psychology.

Prepared Statement of Richard B. Offner, Ph.D., Director, Montana University Affiliated Program Satellite, University of Montana

My remarks today are directed at the discretionary sections of the Act. I would like to preface these remarks, however, with a few general comments about the Act.

A decade has now passed since Public Law 94-142 was enacted. This landmark legislation has, to quote Madeleine Will, "ushered in the most creative period in the history of special education." As this country has moved a decade beyond passage of the Act, singificant advances have been made in education of handicapped children. The Sixth Annual Report to Congress on Implementaion of PL 94-142 highlights accomplishments such as:

From the 1976-77 school year until 1982-83 there has been a 16 percent increase in the number of children receiving special education and related services:

A 119 percent increase in the learning disabled population:

A 23 percent increase in the number of preschool children served ages three through five;

Thirty-eight states now mandates services to preschool children;

A steady increase in the number of post-secondary-age handicapped students;

Ninety-three percent of all handicapped children are receiving their education in regular schools, with about two-thirds being educated in regular classrooms with nonhandicapped peers.

Nevertheless, current attention to mediocrity in education highlights the need to improve educational programming (Education Commission of the States: Task Forces on Education for Economic Growth, 1983; Elam, 1983; National Commission on Excellence in Education, 1983; Peterson, et al., 1983). The much discussed report of the National Commission on Excellence in Education (1983), for example, has driven extensive remedial activity over the past year, as federal, state and local jurisdictions have responded to the report's findings and recommendations. Importantly, within this context, there has been a clear affirmation that the concept of excellence in education applies to all students as they strive to reach their maximum potential, including the handicapped (Will, 1984).

As alternatives have been developed over the past decade to meet the instructural needs of students considered "exceptional," a dual system of education has resulted—regular and special—each with its own pupils, teachers, supervisory staff, and funding system (Stainback and Stainback, 1984). As Assistant Secretary of Education Madeleine Will (1984, p. 13) points out:

"A great deal of confusion surrounds both the goals and interrelationship of regular and special education. Regular and special education have evolved into somewhat artificially compartmentalized service delivery systems. It is evident that there are children who do not fit clearly into either the regular or special education delivery system. There is a sizeable group of children in this nation's schools today who are not being served adequately in the regular class environment, yet do not meet the federal and state requirements for being labeled 'handicapped child.' "

There is a certain irony, I think, in the fact that our efforts to attain free and appropriate education for all disabled and handicapped children has led to a serious dichotomization between so-called "regular" and "special" students (Martin, 1976, Stainback and Stainback, 1984), and real barriers between regular and special education (Will, 1984). A recent report issued by a blue ribbon congressional commission of the House Select Education Subcommittee notes that:

"Due to historical and administrative factors, special education has been viewed as a program separate from and competing with regular education . . . Consequently, handicapped children are often regarded as "assigned" to special education in a way which reinforced programmatic separation and eliminates demands on general education programs for increased flexibility in inclusiveness." (Will, 1984, p. 13)

The burgioning rolls of special education have begun to cause considerable alarm in many states across the country (Algozzine, Ysseldyke, and Christenson, 1983; Gerber, 1984). This concern has particularly centered on the large increase (119 percent) in the number of learning disabled children served in special education programs between 1976 and 1983 (U.S. Department of Education, 1984). Currently, states are tightening their eligibility criteria to control the number of identified learning disabled students, an effort that is proving successful in slowing the growth rate (Gerber, 1984). Nonetheless, shifting the burden of responsibility for students with learning difficulties from special to regular education has inherent problems. for many handicapped students, the least restrictive and most desirable environment for their education is the regular classroom. For others, however, the regular, so-called "mainstreamed" classroom may in fact be more restrictive (Gottleib, 1979). The potential benefits for children that are appropriately placed with skilled classroom teachers and support personnel are well documented. I think it is important to note that, following the enactment of PL 94-142, substantial federal funds were made available through Dean's Grants, National Support System Projects, and the National Inservice Network to support the training of all educators, both regular and special, in principles of instruction for handicapped students. Since 1981, federal funds for this kind of training have diminished, and state support has not filled the void. Therefcre, the concept and stimulus for these efforts have declined. Smith-Davis, Burke and Noel (1984), in their report on *"Personnel to Educate the Handicapped in America"*, suggest that it is

". . . an extreme irony that the movement toward this least restrictive of all educational environments is now accelerating in special education. It is an ever greater irony that it is taking place, in great part, from necessity, rather than purely for reason of educational philosophy. It appears that regular education for the handicapped students is expanding, not because fiscal backing and federal authority continue to promote it, but precisely because financial problems in many locations prompt the need to provide education in the least expensive environment (Smith-Davis, Burke, and Noel, 1984, p. 181).

As educators move to address problems of excellence in education, concurrently with a shifting responsibility for hard to teach students from general to regular education, they will be looking for solutions to the problems faced by our dichotomozed system of special and regular education. Gilhood noted in 1976 that we are approaching the day when, for each child, the law will require that the schooling fit the child, his needs, his capacities, and his wishes; not the child fit the school. Thus, special education may become general and general education special.

Looking back on the past decade of PL 94-142, we should not forget that it was through many hearings such as this; countless testimonies of parents, advocates, and professionals that pushed for and got legislation to ensure that all handicapped children and youth receive a free and appropriate education in the least restrictive environment. It was this legislation that stimulated a boom in the development of educational technology unparalleled in history. It was this legislation that led to the establishment of model programs that have made a lasting impact on educational practice. It was this legislation that promoted the preparation of the thousands of special educators needed to meet our national manpower needs. And, it is this legislation that holds promise for our continued efforts to ensure that this legislation that holds promise for our continued efforts to ensure that this country's handicapped citizens achieve their maximum potential, independence, and self-sufficiency.

I truly believe that tremendous progress has been made in achieving the goal of PL 94-142; that is free and appropriate education for all handicapped children and youth. I believe, however, that it is important to keep this in perspective. When federal funds are available to promote change and development in the service system, significant progress is made. Unfortunately, when federal resources are pulled back or reprioritized, state and local resources do not necessarily follow to maintain the system or continue the course of development. Therefore, it is critical that the direction taken in reauthorizing those parts of the Act that provide discretionary funds for research, development, and training be carefully planned to target areas of need that will provide lasting contributions to enhanced educational services for this country's handicapped children and youth.

The discretionary programs authorized under the Act are the cornerstones for advancement of educational services to handicapped children and youth. Today, I would like to address a few considerations for reauthorization of these sections.

POSTSECONDARY EDUCATION PROGRAMS

I recommend that reauthorization of Part C of the Act emphasize the development of vocational education programs that can lead to increased employability of handicapped persons. A special focus should be placed on post-secondary programs for persons with learning disabilities. It is recognized that after high school, learning disabled students often find themselves without access to special services to assist them in making the transition to the community. These individuals rarely qualify for community-based services designed for persons with more severe developmental disabilities. Vocational education, rehabilitation, and other traditional community services frequently are not available. These individuals often become unemployed or underemployed. In a recent publication by the National Commission on Secondary Vocational Education, it was noted that 80 percent of the jobs in the United States do not require a college education. Thus access to specialized vocational and job training after high school will assist substantial numbers of learning disabled individuals to achieve appropriate gainful employment.

There is little doubt that current social policy and federal mandates relating to services for handicapped youth and young adults are strongly focused on the movement from school to the world of work. The role of "worker" for handicapped persons is no less important than it is for the nonhandicapped. An individual's self-identity, socialization, and personal autonomy are all expectations of his or her "work life" (Defazio & Flexler, 1983). Thus, given the emphasis society has placed on the work ethic, employment experiences for handicapped persons provide opportunities to experience social roles, images, and personal competencies valued by the community (Wolfensberger, 1983). Bill Kiernan (1983) points out that:

"If an individual is not engaged in gainful employment or receiving remuneration this will affect the type of recreational and residential options which will be available. Much of our social and residential activities are highly related to our earning capacity."

Postsecondary education programs hold promise for developing important vocational and adult education models that can lead to increased productivity, independence, and self-sufficiency for handicapped persons.

2. TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED

Many professionals believe that a major impact of PL 94-142 in this country has been the preparation of personnel to educate handicapped persons and the comprehensive planning for personnel development. It is also recognized that the federal personnel preparation program is currently funded at an insufficient level to support large-scale solutions to the complex manpower needs faced by this country.

I recommend that reauthorization of Part D include a substantial increase in support for developing training programs to meet the critical shortages of qualified special education and support personnel. At a time when special education enrollment is increasing, the supply of qualified professionals is dwindling. Manpower shortages in special education are being reported nationwide, with critical widespread shortages predicted in the near future (Smith-Davis, Burke & Noel, 1984).

Over 50 percent of the states report that enrollment of new special education trainees is down, with overall handicapped student enrollment expected to continue increasing through the end of this decade. In a study of national personnel supply and demand conducted in 1982 (Smith-Davis, Burke & Noel, 1984), only 22 percent of the states reported that they had sufficient preservice personnel programs within their boundaries to supply the special educators needed to fulfill the demand. Only two jurisdictions reported that the supply of new graduates was sufficient to meet current demands for personnel. Further, regional or multi-state development of graduates does not appear to compensate for this lack of preservice programming.

The most critical shortages of personnel to educate the handicapped exist in rural districts across the country. Rural attrition rates are routinely found to be 50 percent annually, with 100 percent turnover within one year not being uncommon. Average attrition rates in other parts of the country are less than 20 percent. Manpower shortages and staffing problems in rural districts often require the placement of handicapped students in foster or boarding homes in cities distant from their home communities.

In many states, inservice resources are being diverted to train educators to assume new roles in special education to address critical personnel shortages. In over 80 percent of the states, priority for special education inservice training is directed at regular education staff. This emphasis follows the movement of handicapped children into regular classrooms. The federal personnel preparation's grant program should begin to refocus on inservice training to maintain and develop the skills of our special education labor force.

Congress will need to act to address the critical manpower needs in special education. An important legacy of PL 94-142 is the provision for the preparation and continued development of personnel to educate handicapped children and youth. The critical importance of the Comprehensive System of Personnel Development and the federal grant program in personnel preparation to supplying qualified manpower should not be overlooked.

3. RESEARCH IN EDUCATION OF THE HANDICAPPED

I recommend that Congress maintain an active research program to increase knowledge and understanding of handicapping conditions and teaching, learning, and education-related practices and services for handicapped children and youth. The research program has been very successful in developing special education technology. I reiterate that research and development, along with training, are the mainstays of our progressive efforts to meet the needs of all handicapped persons.

I urge Congress to be particularly cognizant, however, of the need for research applications that will lead to maximum independence, integration, and self-sufficiency for handicapped persons. Of concern to me is the need for research on ways to integrate "special" and "regular" teaching technologies to assure that *all* persons benefit maximally from their educational experience. We must look for constructive ways to minimize the dichotomy that has developed between so-called special and regular education.

Further, I believe it is essential that we continue to develop technology for the effective transition of handicapped persons at critical points along the course of their educational careers. That is, home to preschool, preschool to kindergarten, elementary to secondary programs, and secondary education to community services.

The goal of PL 94-142 the past decade has been free and appropriate education for all handicapped children and youth. I think the goal for the next decade should be maximum independence, integration, and self-sufficiency.

4. HANDICAPPED CHILDREN'S EARLY EDUCATION PROGRAM

I recommend that Congress expand the early education program, with specific emphasis on increased funding for outreach and dissemination programs. In a recent study of HCEEP by Littlejohn Associates (1983) they reported that:

Fifty-five percent of the children who leave HCEEP demonstration projects are placed in integrated settings with nonhandicapped children, which is less expensive than more specialized placements.

Sixty-seven percent of the children who leave HCEEP demonstration projects perform in the average and above average range in relation to their peers, according to staff of the regular and special education programs to which they graduate.

A total of 2,157 replications were identified; 1,991 as a result of outreach activities and 166 from projects in the demonstration phase serving over 100,000 children.

Replication programs are known to have served 107,850 children.

For each child served directly in the demonstration projects, 6.4 children received services through continuation of demonstration projects, and through replication of projects.

For every HCEEP dollar expended in programming, $18.37 has been generated in programming for children and their families.

The report concludes: "The accomplishments of the HCEEP projects as shown by the survey results are greater and more varied than for any other documented education program we have been able to identify."

Early education programs are critical factors in the future of education for handicapped persons. We should work toward the day when all states mandate and support services for handicapped children from birth. The Congress should continue their role in ensuring support for preschool services.

5. ONE FINAL COMMENT

The Handicapped Children's Early Education program, and other programs for developing model services for school age handicapped populations have been very successful in developing practices that are critical to our educational system today. It is time for a new focus to be developed for a population that is only beginning to receive attention: those handicapped youths ages 18 to 21 who are aging out of our existing special education programs. I think it is time we place the kind of intense effort that has provien so successful in developing early education programs or developing model educational services for handicapped persons at the other end of the age continuum.

Thank you for the opportunity to provide this testimony. If you have any questions, please let me know.

REAUTHORIZATION OF THE DISCRETIONARY PROGRAMS UNDER THE EDUCATION OF THE HANDICAPPED ACT

TUESDAY, OCTOBER 22, 1985

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON SELECT EDUCATION,
COMMITTEE ON EDUCATION AND LABOR,
Washington, DC.

The subcommittee met, pursuant to call, at 9:30 a.m. in room 2261, Rayburn House Office Building, Hon. Pat Williams (chairman of the subcommittee) presiding.

Members present: Representatives Williams, Martinez, Bartlett, and Jeffords.

Staff present: S. Gray Garwood, staff director; Robert Silverstein, majority counsel; Colleen Thompson, clerk, and David Esquith, legislative associate.

Mr. WILLIAMS. I want to welcome each of you to the second in a series of hearings the Subcommittee on Select Education is holding on the reauthorization of the discretionary programs under the Education of the Handicapped Act. The first hearing was held in Bozeman, MT, on August 27.

Many of you are familiar with part B of the Education of the Handicapped Act, most commonly known as Public Law 94-142. This landmark legislation, which was signed into law 10 years ago this November, provides more than $1 billion of Federal aid to assist States in their efforts to provide a free, appropriate, public education to all handicapped children.

The discretionary programs we are examining today, which expire on September 30 next year, are an essential source of support to the special education and related services provided to the 4 million handicapped children receiving services under Public Law 94-142.

These discretionary programs provide approximately $155 million of assistance to State and local educational agencies, other public agencies, private, nonprofit organizations and institutes of higher education to support a variety of programs.

The specific purpose and focus of today's hearing is on the discretionary programs pertaining to preschool, secondary, transition, and postsecondary programs. It would be helpful if the witnesses would comment on and then make recommendations for improving the Federal role in each area.

With respect to preschool education programs, it would also be helpful if the witnesses would address the following question:

First, what are the benefits of early intervention programs for preschool-aged, handicapped children?

Second, are the new early childhood State planning grants facilitating the development of comprehensive, statewide delivery systems that are appropriate to the needs of the preschool population?

And third, should there be an increased focus on parent involvement in the preschool programs?

With respect to transition and secondary school programs, it would also be helpful if the witneses would address the following issues..

First, it appears that our definition of what constitutes success under Public Law 94-142 is changing from a focus limited to access to services to one that also includes outcomes. For example, does the graduate have skills required for employment? What is the importance of this change?

Second, what should be the focus of transition programs? Should they be limited to employment or should they also include residential, social, and interpersonal skills?

Third, is there a problem of handicapped students dropping out once they enter high school?

With respect to postsecondary education programs, it would be helpful if the witnesses would address these three questions:

First, what types of programs, services, and accommodations are presently being provided around the country to assist handicapped students succeed in postsecondary institutions?

Second, what are the components of a program that will facilitate the handicapped student's success in college? What are the major obstacles to success for disabled students entering college?

And, finally, what have we learned from the demonstration projects being funded by the Department of Education?

I look forward to hearing whatever answers you can give us on those series of questions.

My colleague, Mr. Bartlett.

Mr. BARTLETT. Thank you, Mr. Chairman.

Mr. Chairman and witnesses, I am looking forward to the next 2 days of hearings on the Education of the Handicapped Act as Congress begins its work on reauthorizing the various discretionary programs that combine to complement and supplement Public Law 94-142.

These discretionary programs, I think, have served their intended purpose of providing the State grant program with technical assistance and support by generating a host of model practices in areas that are technologically complex and ever changing.

These discretionary programs also provide key areas of support in the development of personnel and instructional materials.

As we have learned, the education of a handicapped student presents a variety of teaching challenges to special educators. We should all take pride in the achievements of Public Law 94-142, and those achievements can in part be attributed to the functioning of the discretionary programs.

I note that the witness lists for the 2 days of hearings cover a wide range of interests in programs under the Act, and I think that is appropriate. I am particularly interested in the progress that is being made in the secondary and transitional program and the nature of the cooperation that the special educators are encountering with adult service agencies, as well as the issues that surround early childhood education in preschool instruction.

In other words, it seems to me that this round of reauthorization, we need to, among other things, take a careful look at the before school begins and at the after school is over, at either end of the age spectrum. Both of these areas present unique challenges to the act and require significant participation from noneducational agencies in order to meet the needs of the handicapped persons involved as well as the needs of the families.

I am also looking forward to learning about the section 6 schools and the nature of the education provided the handicapped students in these schools. I do appreciate the willingness, in particular, of Dr. Stephens to participate in these hearings on short notice and recognize that the section 6 schools, while too often ignored, are a unique part of the Nation's schooling system.

I will note that Dr. Stephens is a constituent and a Dallasite, and I hope that that doesn't overly taint her testimony to the negative. In my book it taints it to the positive, of course. But we will counsel with the other members of the subcommittee.

Mr. WILLIAMS. Will the gentleman yield?

Mr. BARTLETT. I would be happy to yield.

Mr. WILLIAMS. The Chair finds that it taints it toward the positive.

Mr. BARTLETT. Excellent, Mr. Chairman.

Mr. WILLIAMS. Inasmuch as it seemed to be in doubt.

Mr. BARTLETT. We will attempt to achieve unanimous consent from all members of the subcommittee at a later time.

The various discretionary programs under the Education of the Handicapped Act, I think, represent the cutting edge of special education policies and practices in order to maintain Public Law 94-142 as a dynamic service system.

In order to do that, Congress must be in close communication with those who administer the discretionary programs as well as those who utilize them.

The Education of the Handicapped Act has been marked by bipartisan support and by a willingness of interested parties to meet the needs of handicapped students within the context and constraints of the regular education system. I look forward to continuing that tradition of this quite valuable program.

Thank you, Mr. Chairman.

Mr. WILLIAMS. Thank you.

Our first panel—and please come forward—is Carl Dunst, Brian McNulty, and Gene Edgar.

Dr. Dunst is director of the Family, Infant and Preschool Programs, Western Carolina Center, Dr. McNulty is the executive director of Special Education, Colorado Department of Education, and Dr. Edgar is a professor at the University of Washington.

Dr. Dunst, let's begin with you.

STATEMENT OF CARL DUNST, PH.D., DIRECTOR, FAMILY, INFANT AND PRESCHOOL PROGRAMS, WESTERN CAROLINA CENTER; BRIAN A. McNULTY, PH.D., EXECUTIVE DIRECTOR OF SPECIAL EDUCATION, COLORADO DEPARTMENT OF EDUCATION; AND EUGENE EDGAR, PH.D., PROFESSOR, UNIVERSITY OF WASHINGTON, A PANEL

Dr. DUNST. I appreciate the opportunity to share my thoughts today with this committee.

I currently serve as the director of the Family, Infant and Preschool Program in Morganton, NC. We operate five projects funded under Public Law 94-142.

As I indicated in my written testimony, there are both economic and human benefits derived from early intervention. I would like to elaborate on several of those points, but the major point I would like to make is that in order for our intervention programs to be successful we must truly begin to take a broader based approach to provision of educational services to handicapped children and their families.

Now, let me focus in on one point in terms of an economic benefit, is our program which focuses in on early education in terms of the prevention of the institutionalization of handicapped children. We have found, as a result of a study we have recently conducted, that there was three times greater probability of being institutionalized if you do not participate in an early intervention program.

Now, it cost about $3,000 a year to serve the family in our program, whereas institutional cost is about $45,000 a year. So that each child we are able to keep out of an institution will result in a savings of $42,000 to the State. I should say it is actually a $42,000 savings for the Federal Government, since 95 percent of all the money for our institution is actually Federal dollars.

The major benefit that has been derived by institutional avoidance so far has been a total savings to the State of North Carolina of $9 million in less than 10 years.

Another way of looking at the benefits of early intervention is to focus in on a specific case and illustrate that early intervention needs to include educational programming but also programming besides those for the child.

Just a real brief case study of a child:

John is a 3 year old profoundly handicapped with hydraencephaly. The condition is characterized by partial or complete absence of cerebral cortex.

When we first became involved with this young child at age 3, the child spent most of his time lying on his back or being held by the mother, did not talk, could not feed himself, basically could not function independently.

This particular case is important because the mother is a 17-year-old single mother who receives very little support from anyone within her household and there is no support from the child's father. She finds herself depressed the majority of the time.

When we began our involvement with John, we were able to develop a number of interventions that facilitated his ability to take food and fluids without resistance, to play independently with toys, to hold his head up, and to sit upright in a specially designed chair.

The mother was taught techniques that allowed her to engage in dressing, feeding, and bathing the child without those being overly demanding activities. As it turns out, this mother would spend up to 8 hours a day simply caring for this child in terms of basic needs.

The focus of the intervention with this child included educational intervention for the child but also included broader based social and economic interventions with the mother. As it turns out, this particular mother had medical bills exceeding $100,000 as a result of the care of this child. John is now 12 years old, living at home and attending a public school program. It is our best guess that had we not provided broad based interventions for that child and family outside of the educational realm as part of our preschool services, that child would be institutionalized today.

We have repeatedly found with the families that we work with that unless the educational program in which the child is involved takes a broad based perspective of the child and family and addresses family needs as well as child needs, the risk of institutionalization is extremely great.

Now, with those brief economic and human benefits in mind, let me turn to some comments about part c, section 623 of the Act.

Subsection (a) of the Act specifically authorizes the development and implementation of experimental education programs.

These programs have typically been operated under the Handicapped Children's Early Education Program and have traditionally been very child focused. Only cursory attention is given to the different types of parental involvement that are likely to help families rear handicapped children as normal as possible and for the kids to benefit optimally from educational programs.

We find, for example, that the programs that fail to attend to basic child and family needs often result in families not wanting to carry out interventions with their child.

In terms of the section that involves the State planning grants, is the comprehensive State plan which includes nine major components. These components outline a number of the specific things that States ought to do as part of carrying out a State plan. I would like to comment on three of those, because I believe that these components are not specific enough, and because they are not specific enough States are not likely to follow through on truly developing a comprehensive plan.

First, it is my observation that attainment of the major activities as part of the proposed plan is beyond the scope of most States at this particular point in time because the components do not include explicit definition of what should be done as part of a comprehensive plan.

Second, as more and more States begin the planning and development phases of their State plans, I become more and more uneasy of the manner in which those plans are being implemented.

Basically, there is a trend toward taking school based models, classroom models, and applying them to preschool handicapped children.

It is my contention that this will prove to be a serious mistake, because preschool handicapped children and their families have specific types of needs, the learning process is different with those children, the manner in which parents need to be involved is different, and if we use school based models with preschool handicapped children, we will wind up probably providing a service that is not meeting the needs of the children and families.

Third, there are a number of requirements for the comprehensive service delivery system that implicitly recognize the broad based needs of handicapped children and their families, but unfortunately there is lack of specificity in the requirements.

Based on those brief comments, let me just make a few recommendations.

The first recommendation is that consideration should be given to inclusion in section 632(a) of a provision for States who operate demonstration and outreach projects to include efforts to meet family level social, economic, emotional and educational needs as part of their activities. They can either do that directly or mediation of those services through coordination with other social agencies.

The second recommendation is that we should provide more explicit definitions and descriptions of the nine major components of a comprehensive State service delivery system in order to provide a better framework for States to be able to carry out the intents of the law.

Third, it might be a useful for a statement to be made in section 623(b) that notes the preschool years represent a unique period of development and that State plans should reflect this uniqueness in the planning, development and implementation of a comprehensive State plan.

And fourth, the rules and regulations governing a comprehensive service delivery system should include a statement that the plan include provision of services to handicapped children and their families that address not only educational needs but economic, social, health and psychological needs as well. And again, this does not need to be done by the educational agencies, but could be done through coordination with other social service agencies.

Finally, I appreciate the opportunity to share these thoughts and hope that they are useful in terms of reauthorization of the Act.

[The prepared statement of Dr. Carl J. Dunst follows.]

PREPARED STATEMENT OF CARL J. DUNST, PH.D., DIRECTOR, FAMILY, INFANT AND PRESCHOOL PROGRAM, WESTERN CAROLINA CENTER, MORGANTON, NC

Honorable Chairman and Committee Members, Distinguished Guests, Colleques and Friends, thank you for your invitation to testify before this subcommittee regarding reauthorization of the Education for All Handicapped Children Act.

Without the continued leadership and support of members of congress, the protection of the rights of handicapped persons might be threatened. I commend you for your commitment to ensuring that all handicapped persons receive a fair and deserving education, and thank you for your efforts on behalf of all handicapped persons and their families.

I currently serve as director of the Family, Infant and Preschool Program located in Morganton, NC. Our program provides a host of education and support services to preschool handicapped children and their families. We currently operate five projects authorized under P.L. 98-199. Two projects are funded as part of the Handicapped Children's Early Education Program, two as part of Training Personnel for the Education of the Handicapped, and one as part of the Preschool Incentive Grant program.

My experiences with these particular projects as well as other experiences during the past 14 years have convinced me of the importance of preschool, early intervention services for both children and their families. Consequently, I will restrict my testimony to comments regarding the preschool years given my strong convictions concerning the importance of early intervention.

As I indicated in my written testimony, there are both human and economic benefits derived from early intervention with handicapped preschoolers and their families. I would like to briefly elaborate upon a portion of that evidence to place my recommendations in proper perspective.

One goal of the program I direct is the prevention of the institutionalization of handicapped children through the provision of broad-based educational, social, psychological, economic, and health-related support to the children and their families. It is a basic premise of our program that institutional avoidance is attained through provision and mediation of broad-based supportive services that make the birth and rearing of a handicapped child as normal as possible, and thus permits the child to function as an integral member of the family unit.

The results of a pilot study that we conducted showed that of all the children institutionalized from our catchment area between 1972 and 1983, only 8 participated in our program while 19 did not.[1] A more recent study currently being completed for the period from 1972 through 1985 indicates that there is three times greater a probability of being institutionalized if you did participate in our early intervention program.

It costs about $3,000 per year for our program to serve one child and family. The costs of institutional placement is nearly $45,000 per year. Consequently, each year that institutional avoidance occurs, the state of North Carolina realizes a $42,000 savings per child.

A cost benefit analysis of the data from our institutional avoidance study indicated that for those children who have not been institutionalized, nearly $300,000 per child has already been saved as a result of early intervention. We estimate that our state has already realized a $9,000,000 savings for all the children for whom institutional avoidance has occurred.[2]

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[1] This included all children 13 years of age or less. Our program began in 1972, and as of 1983, the oldest "graduates" were 13 years old.

[2] Based on currently available figures, approximaately 4-5 percent of all handicapped persons in our catchment would be expected to be institutionalized. Of the 1000 children who have participated in our program, less than one perent have been institutionalized. Thus, at least 3 percent or 30 children have not been institutionalized; resulting in a savings of nearly 10 million dollars.

Another way of looking at the benefits of early intervention with regard to institutional avoidance is to briefly examine the case study of a child and family who participated in our program:

> John is a 3-year-old profoundly handicapped child with hydranencephaly. This condition is characterized by either partial or complete absence of the cerebral cortex and is represented by a membrane filled with clear fluid.
>
> An initial assessment found that John spent the large majority of his time lying on his back in his crib or being held by his mother. He could not feed himself, could not sit or hold his head up independently, did not talk or communicate, and could not interact with people or materials in a socially adaptive manner.
>
> John's mother is 17-years-old; single; and living with her parents. She is totally responsible for John's care. She is both physically and emotionally exhausted because of the demands John places upon her. She receives very little help from her parents or other relatives. Since John's birth, and becuase of his dependency on his mother, she has not finished school, is unable to pay John's

medical bills, and finds herself depressed most of the time. By all relevant indicators, John was clearly at-risk for institutional placement.

Both child- and family-level interventions were implemented with John and his mother when they became involved in our program. John was taught to take food and fluids without resistence; to play independently with different toys; to hold his head up; and to sit upright in a specially designed feeding chair. The mother was taught techniques to make child care tasks including feeding, dressing, bathing, and changing John less demanding. John was enrolled in a half-day specialized day care program so the mother could finish school and she used respite care on weekends in order to get household chores completed. The mother was acquainted with both public and private funding sources in order to relieve the financial burdens resulting from John's handicapping condition. Other social support services were also made available to the mother to meet other child and family needs (food, shelter, clothing, etc.).

> John is now 12-years-old; still living at home; and attending a classroom-based program for handicapped children in a local public school. The mother has completed school and works full-time to support both herself and John. She continues to periodically use respite care on weekends so that she can socialize with her friends and family. She also parlticipates in a parent support group designed to improve services to handicapped children and their families.
>
> For both John and his mother, it was necessary to implement broad-based interventions to affect broad-based changes in the entire family system. It is this type of comprehensive service-delivery program that prevents institutionalization and fosters social-adaptive competence.

As this vignette illustrates, both child and family needs must be addressed if early intervention efforts are to be truly successful and beneficial. As noted in my written testimony, evidence from the early intervention efficacy literature indicates that *child, parent, and family functioning is most likely to be optimally affected by programs if they address individualized needs using a broad-based, comprehensive approach to early intervention.*

With the above introductory remarks in mind, I now turn to a series of comments and recommendations regarding P.L. 98-199, Part C, Sec. 623.

Sec. 623 (a) (1) of P.L. 98-199 specifically authorizes the development and implementation of experimental early education programs that show promise for promoting a comprehensive and strengthened approach to working with handicapped children and their families. P.L. 90-538 (Handicapped Children's Early Education Assistance Act) initially authorized the development of model-demonstration programs and outreach projects designed to "disperse" the findings from the demonstration projects.

The large majority of Handicapped Children's Early Education Program demonstration and outreach projects have been child-focused with cursory attention to the potential benefits of different types of parent involvement. For the most part, parent involvement has been viewed in terms of parent training to affect changes in knowledge and skill acquisition. There is a growing awareness that programs for preschool handicapped children are more likely to be successful to the extent that they provide or mediate provision of services to meet social, economic, psychological, and health, as well as educational needs. So often the comment is made by educational staff that this is beyond their scope of responsibility, but it is now known that failure to attend to basic child- and family-level needs will decrease the probability that parents have the time, energy, and personal investment to be involved in their child's education. Consequently, the importance of a broad-based approach to working with children and families cannot be emphasized enough.

Sec. 623 (b) (1) of P.L. 98-199 specifically authorizes the establishment of State Planning Grants to assist states in the development and implementation of comprehensive state-level service-delivery systems designed to meet the needs of preschool handicapped children and their families. According to Part F from the Final Rules and Regulations for Early Education for Handicapped Children Programs (Federal Register, Vol. 49, No. 134, Wednesday, July 11, 1984), a comprehensive service delivery system includes nine major components:

1. A statewide system for identifying and locating, as early as possible, children who are handicapped or at risk of being handicapped. This includes the prenatal period if there is evidence that a child will be born handicapped;

2. Comprehensive and continuing assessment and diagnosis of children who are identified as handicapped or at risk of being handicapped;
3. Special education and related services appropriate to each handicapped child's developmental level and handicapping condition;
4. A continuum of alternative placements to meet the individual needs of handicapped children for special education and related services;
5. Involvement of parents in the planning, development, and implementation of the education and services provided to their handicapped children;
6. A personnel development program to ensure appropriately trained instructional and supportive staff;
7. Coordination of the activities of educational, health, social services, and other agencies to ensure effective use of available services and to relate service delivery programs to State and local planning;

8. Information concerning the needs of handicapped children and the availability of services: and

9. Ongoing evaluation of the effectiveness of the services and programs provided to handicapped children and others involved in their education and care.

The implicit intents of a number of the components of this comprehensive system plan deserve comment. First, it is my observation that attainment of the major activities of the proposed comprehensive plan is beyond the capabilities of a large number of states without more explicit definition of what each activity should entail. Many states have had considerable difficulty in meeting the intents of P.L. 94-142 for school-age populations, and it is questionable whether services for handicapped preschoolers and their families will fare much better.

Second, as more states begin the planning and development phases of their state plans, I become more and more uneasy about the manner in which the service delivery systems are being conceptualized. There is a trend toward taking school-age models, and applying them to preschool aged children. This will prove to be a serious mistake. The needs of preschoolers and their families, the methods of instruction, the learning process, the "ecology" of the school-home relationships, the context of instruction, the role that parents play in the education of the children, etc. are different for birth to six year old children compared to six to 18 year old children. Consequently, we need a different type of service-delivery system at the preschool level. There needs to be a more explicit statement in the law regarding the uniqueness of the preschool years and the need to consider this in the development and implementation of a comprehensive system for preschoolers and their families.

Third, a number of the requirements for a comprehensive service delivery system (#'s 5 & 7) implicitly recognize the broader-based needs of children and their families, and the need for the state plan to include provisions that insure that these needs are met. However, the extent to which this is likely to occur is minimized given the lack of specificity in the requirements. It would help tremendously if the requirements for a comprehensive plan included a statement that specified that the broad-based needs of children and their families should be addressed as part of the plan.

Based on the above comments as well as information presented in my written testimony, I would like to make the following recommendations regarding possible changes in Part C, Sec. 623 of P.L. 98-199:

1. Consideration should be given to inclusion in Sec. 623 (a) (1) a provision which states that demonstration and outreach project include efforts to meet family-level social, economic, emotional, and educational needs either as part of program activities or through mediation of services to meet these needs through coordination with other agencies.
2. Provide more explicit definitions and descriptions of the nine major components of a comprehensive state service delivery system in order to provide a better framework for states to use as part of the development and implementation of a comprehensive service-delivery system.
3. A statement should be added to Sec. 623 (b) (1) that notes that the preschool years represent a unique period of development, and that state plans should reflect this uniqueness in the planning, development, and implementation of a comprehensive service-delivery system.

4. The rules and regulations governing a comprehensive service delivery system should include a statement that the plan include provision of services to handicapped children and their families that addresses economic, social, health, psychological, and educational needs.

Honorable Chairman and Committee Members, I appreciate the opportunity to share my thoughts regarding P.L. 98-199, and hope that you find my comments and recommendations useful in your efforts toward the reauthorization of the Education of the Handicapped Act. Thank you.

Carl J Dunst

Carl J. Dunst, Ph.D.

Mr. **Williams**. Thank you very much.

Dr. McNulty.

Dr. **McNulty**. Mr. Chairman, members of the subcommittee, I am pleased to be here today.

I have submitted my written testimony to you already and I would like to summarize that a bit and then make sure that I answer the three questions that you have directed toward this panel.

Let me back up just a moment.

I came before this subcommittee 2 years ago and presented testimony to you which I think addresses your first questions of the benefits of early intervention. At that time I presented a followup study that we had done in Colorado that looked at over 1,300 preschool children who had received services through public schools, and we looked at the outcome of those services.

We found that approximately 30 percent of those children were able to go into regular education settings. In addition, we felt that across all severity levels that children were able to be moved to less restrictive settings, which we felt was of benefit to those children.

The third statement I guess I would like to make, and I am glad that Dr. Edgar is here today, is we did a subsequent followup study in the State of Washington. Although it was done with a group of more severely handicapped children, we had another interesting outcome, which we looked at the stability of placement in regular education.

So, we were saying even though preschool children may go into regular education early on, do they stay in that regular education placement? In this second followup study that we did, we found that 87 percent of the children who had received preschool services and were placed into regular education stayed in those regular education placements throughout their educational career. We felt that was very significant data on one of the questions that had yet to be answered.

A third part of that was to look at parental satisfaction, how satisfied were parents. I wish actually that this hearing were a couple of months later because we are now doing a followup study, both ourselves and in conjunction with the University of North Carolina, with approximately 3,000 families in Colorado, to look at the satisfaction parents have with preschool programs and to make sure that we are addressing their needs.

In our last study we found that 99 percent of the parents felt that the programs were helpful, and that 98 percent of them felt that their kids were doing better in school as a result of those services now.

So, overall, again, I think we really felt very, very positive about the outcomes that we had had in our early intervention program.

In terms of the specific reauthorization of the early childhood programs, I did want to come with some recommendations to this committee.

Right now, in reviewing the budget of approximately $22.5 million, it appears that half of that budget is spent on developing model demonstration programs. It is my belief that right now in the development of those programs that we are not in need of many new models.

I certainly would not recommend that we don't have model development, because I believe we need model development. But I think that what we are finding is that there seems to be a lot of repetition in the models that are being developed now and that we have a lot of old models that seem to being tinkered with a bit and then called new models. It appears that there really is not a need for the intensive amount of dollars that is going specifically into the model development component.

Instead, I guess I would suggest that the second part of that program is toward outreach, and the outreach programs—I believe, again in my testimony, I think the outreach programs are funded at somewhere around $3.9 million of that $22.5 million. To me, that percentage going into outreach seems extremely low.

When we realize that most of the programs now that are being offered are in public settings, the need in those settings, aside from a more stable funding base, the greatest need is for in-service training or training of their personnel in terms of running a quality early intervention program. So rather than putting the majority of our resources into development of new models, I guess I would suggest that we put the bulk of that money into the models which have proven themselves and fund the outreach component instead at a higher level.

In addition, it appears that although in the past we funded those outreach programs on a 3-year cycle, lately those programs have been funded on a 1-year cycle. A 1-year cycle is almost impossible for a local school district and State to take advantage of out-of-State programs that are funded. By the time we hear that the programs are funded their funding year is usually over and we can't really access those outreach programs on a 1-year funding cycle.

I would recommend that we go back to a 3-year funding cycle for those outreach programs.

The third point I would like to make is around personnel preparation.

Specifically under part D, I would like to see the continued focus on the training of early childhood and infant teacher personnel preparation programs. We have a great need to continue those kinds of training programs. As the number of programs increase, so does the need for well trained staff.

The other part under part D that I would like to mention is that there doesn't seem to be still a lot of training programs for support service personnel to work with preschool and infants. By that, I mean psychologists, training programs, speech, language, et cetera, still seem to be focusing predominantly on the school-age population and yet under the child find requirements those same personnel are required to do assessments with younger handicapped children and don't seem to have the skills.

I would like to recommend that we make a priority for training support service personnel under part D also.

I would also like to make a couple of comments on the research institutes. It seems like we have perserverated a bit on the question of early intervention effectiveness. Although it certainly is an important question, I believe that it has been addressed and that certainly in terms of the policy and practice in the field that we have early intervention programs, we will continue to have those programs and that we don't need to perserverate on the question of the effectiveness of early intervention as much as we need to now focus on what is it that constitutes a quality early intervention program, and we start looking at what do we want our early childhood programs to look like in order to be effective, with which population of children.

I would like to see us develop some effective models for parental support in public schools, following up on Dr. Dunst's concerns of looking at what is a good parent support model that could be provided in a public school setting.

So, I come to four or five current problems that I see.

One is the lack of outreach training, the lack of trained personnel, the lack of family support, and the lack of a stable funding base for early intervention programs.

In closing, one of your other questions was, should there be an increased focus on parent involvement in preschool programs. Currently the statute reads that there needs to be parent involvement. I would like to see that changed to not just involvement or participation, but parental support.

I think that the new early intervention literature, again coming out of North Carolina, focuses much more on support, how do we provide active, ongoing support to families with young handicapped children. If at no other point in time, this is the most important time to intervene in a child's life and in the family. This is when they need that support most.

And so, rather than saying we want parents involved or we want to provide them with some way of participating in our programs, I think the programs need to have some kind of direction in saying that you need to provide active, ongoing support through these programs.

Thank you very much for allowing me to come before you today. I will be glad to answer any questions.

[The prepared statement of Brian A. McNulty, Ph.D., follows:]

PREPARED STATEMENT OF BRIAN A. MCNULTY, PH.D., EXECUTIVE DIRECTOR, SPECIAL EDUCATION, COLORADO DEPARTMENT OF EDUCATION

Mr. Chairman and members of the Subcommittee; I am Brian A. McNulty, the Executive Director of Special Education with the Colorado Department of Education. I am extremely pleased to have this opportunity today to testify before this committee on the reauthorization of Parts C, D, E, and F. of the Education of the Handicapped Act. While I am interested in all these discretionary programs, I will focus most of my presentation on the Part C programs dealing with preschool handicapped children.

Two years ago I came before this committee to present the findings of a comprehensive statewide follow-up study of preschool handicapped children. At that time I presented data to you which documented that with early intervention, future placement into special education had been reduced by over thirty percent. In addition, significant gains had been made in placing children in less restrictive settings across all severity levels. These data also documented that when children were identified as handicapped at age three and not served, that a hundred percent were re-identified at school age entrance and over 97% required special education. This data confirms that we have the capability to identify the right population of children early on in their lives and that these children do not outgrow these problems. Without early intervention all of these children will require special education services upon entering elementary school. This study also assessed the cost of providing early intervention programs and concluded that "even after subtracting the cost of the preschool special education program, (in constant dollars), the school districts over three years, saved $1560.00 per handicapped pupil" (McNulty, Smith, Soper, 1983).

In a subsequent follow-up study conducted in conjunction with the state of Washington, some other significant outcomes were obvserved. The most significant piece of information to me was concerned with the stability of educational placements. Eighty-seven percent of all the preschool graduates placed into regular education had remained in that setting throughout their educational career (Edgar, McNulty, Gaetz and Maddox, 1984). I believe that this data tells us that our successes during the preschool years continue to impact positively upon the child's educational future.

Finally, in surveying parents whose children have participated in such programs, close to one-hundred percent felt that the preschool intervention programs were helpful (99%) and that their children were doing better in school now as a result of those programs (98%).

These findings are presented to affirm the direction and support that this committee has demonstrated towards serving young handicapped children and their families. If forced to choose a single time in which to provide intervention and support to a handicapped child and their family, I believe that the data supports that that time should be as early on in a child's life as possible.

Next, let me review the programs currently funded under Part C and some recommendations for your consideration. Currently, the FY85 Appropriation for Early Childhood projects is 22.5 million dollars. Of that figure, approximately 3.9 million dollars is scheduled to fund Outreach projects, 5.9 million for early childhood state plans, approximately 1 million to the new early childhood research institute, approximately 900 thousand dollars for technical assistance projects, and the remaining 11 million to fund model demonstration projects. From my perspective, the percentage distribution of these dollars is not in line with the needs of the field. Let me explain why. The goals of the HCEEP program have always been twofold; the development and dissemination of model programs, and the expansion of services to young handicapped children and their families. For fifteen years the Department of Education has been funding model development and seed money to facilitate the expansion of these services. While initially this development component was a major vehicle for both the development of models and expansion of services, lately few completely new models have been developed. We have instead continued to fund many variations on a theme; many models now being funded are replications of existing models. While there still is a need for the development of new models, a greater need now exists for dissemination and training in models that work in order to help school systems with the systematic expansion of services to this population.

The vast majority of early intervention programs are now offered in public settings. Aside from a stable funding base, the biggest need that these programs have is in the area of staff development and training. These local programs have neither the resources or the skills to offer this much needed training. the critical difference between effective and ineffective intervention programs has to do with the quality of the staff and the programs. While we have developed a cadre of successful Outreach programs, access to these programs is extremely limited. For example, Colorado has no Outreach grants funded within the state. If a local program wants to replicate a proven model it must pay much of the cost of importing such a model. The question that needs to be asked is "what good does it do to develop models if they aren't going to be implemented?". Therefore, I would suggest that with the limited resources available, that you increase the allocation of dollars to the Outreach programs with a consequent reduction in the number of model demonstration projects.

A study undertaken by the United States Department of Education (the Littlejohn study) concluded that demonstration projects followed by Outreach had a much greater impact (both in the field and fiscally). This makes sense when one considers that such projects spend much of the first three years developing their models and little time in dissemination or training. I would like to recommend that rather than concentrating the greatest amount of resources on model development that instead a greater amount be spent on the Outreach projects. Currently, these projects are underfunded both in terms of numbers and budgets. In addition to increasing the number of Outreach projects, serious consideration should also be given to funding these projects on a three year cycle as was done in the past. Funding them on a year to year basis is both confusing and costly. It has proven to be extremely difficult for states and local education personnel to access these projects given the current one year funding cycle. A three year funding cycle would also facilitate the utilization of these models into the Early Childhood State Planning cycle.

Along this line, I would also like to encourage that a portion of the Part D Personnel Development dollars to be targeted for both inservice (through the SEA grants) and preservice training programs for early childhood special educators, and the development of a priority for new preservice training programs for related service personnel who serve this young handicapped population.

I would now like to turn my attention to the newly funded Early Childhood State Planning Grants. While it is still too early to assess the actual effectiveness of these grants, I feel confident in stating that these grants will go a long way in developing a comprehensive statewide delivery system for young handicaped children and their families. I believe that presently this program is on target in meeting the needs of states. State agency structures take time to modify, refine, and develop, and therefore, the eight year funding cycle is very appropriate. I would also like to complinent you on your inclusion in the statute of the need for training and technical assistance. This component is crucial if states are to develop a comprehensive delivery system for this population.

I would also like to make some brief comments regarding the Early Childhood Research Institutes. First of all, I consider these institutes to be a critical component of the Handicapped Early Childhood Education Program. There continues to be an ongoing need to fully explore issues concerning young handicapped children and their families. The present institutes go a long way in assisting the field in its work. I would, however, say that I don't think we need to perseverate on the issue of the effectiveness of early intervention. I for one believe that this quesiton has been answered in the affirmative. In addition, the fine work done by Weikart, Strain, Anastasiow and Shankoff all demonstrate these outcomes. Instead, I would suggest that the research should now be directed towards identifying what constitutes a quality program, for which populations. A second topic might address effective models for parental support that can be offered by the public schools.

Given the vast changes that have occured in the field of early childhood in terms of the number of children being served, and the number of programs serving them, there is a need for the current allocation to reflect this need. Overall then, I would like to recommend the following as a percentage distribution for the Handicapped Children's Early Education Program:

(1) Model demonstration projects	15%
(2) Outreach projects	30%
(3) State plan grants	30%
(4) Research institutes	20%
(5) Technical assistance	5%

With such a shift in resource allocation, the Outreach projects could truly assist the state plan grants in expanding services, providing viable successful models that contribute to a continuum of services, and in the provision of much needed training of personnel (which has been listed as a need in the report to Congress.)

I sincerely appreciate having the opportunity to present my views to you today. I look forward to continuing this important partnership between the Federal and State governments and hope that I can continue to be of assistance to this subcommittee.

Mr. WILLIAMS. Thank you.

Dr. Edgar.

Dr. EDGAR. Thank you for giving me this opportunity to share some of my views with you.

My written testimony focused primarily on secondary programs and transition issues. I would like to highlight four of the issues that I raised in my written testimony.

The first one is the issue of outcomes. I think that the work of this committee and the bill have really pushed the field and the profession, parents, the Government, to take a hard look again at what is the purpose of American education especially as it relates to persons with disability. I think that is a healthy debate, one that can probably not be answered in any easy way but it is certainly a healthy debate and one that we need every now and then to reopen and discuss.

Specifically, the issue of what should persons with disability be doing after they leave school that are indices of success is a really important question. How we are going to grapple with that I think is going to direct a lot of our efforts in the future about developing programs.

Specifically, the issue of work and nonwork components as they relate to quality of life. I think that OSERS has clearly made a preference for work being the major desired outcome of programs for persons with disability. I certainly have no hassle with that. I think that everybody should probably be given the opportunity to work. However, I think there are other parts of a person's life that are also important, and what part education plays in that or should play in that I think needs to be openly debated and discussed and programs built to address some of those issues.

Living independently, recreating independently, when I stop and think personally, when I introspect about what parts of my life are important, work certainly is high but there are other parts of my life that often become higher than work. If I could find a way to have somebody fund me for the rest of my life, I think I might even be able to think about not working for some period of time. But I don't want to downplay the issue of work.

The second point that I would like to address is the issue of tracking our products. I don't want to get into too much of an industry analogy here, but somehow or other it amazes me that we have not stopped to look at what happens to the students who go through special education when they leave the school system or when they leave special education.

My interest in this area started a few years ago when I asked the simple question to myself: I wonder what happens to the people who are going through this program? I couldn't find that answer. We didn't have those data. To struggle to come up with programs for building curriculum or to fund projects that will take a look at transition without knowing the answer to the question, what happens to the students who currently are going through our programs, seems to me to be really difficult and probably not very functional. So, we started looking at that and some really amazing things started coming to our attention, anyway.

The number of people who don't finish the public school programs who start was probably the most amazing thing for me. That is the dropout issue, very difficult to get a handle on what happens to dropouts.

I need to just share with you a brief story about when I went to talk to my daughter's 10th grade counselor last year. In the school where she attends, the counselors pick up an incoming group of 9th graders and stay with them until they graduate. I went in to see him and I said, Jim—this is the 10th grade now, so he has had this group of kids for 2 years—I said, how many kids have been in and out of this class in the last 2 years? He is sort of a crusty old counselor, and he opens up this little box and he has a whole bunch of 3 by 5 cards. There were more kids who had been into that school and left than there were currently still there.

The in and out flow of kids coming into a school and leaving is an incredible high number, at least in Seattle it is. There were approximately 250 kids in that group, but there had been about 320 kids who had been there and had left.

The major part, about 75 percent of those kids stayed there from ninth grade until they graduate, but you have this other group of kids in and out, in and out, and he said:

> So, this is what happens, a kid doesn't come to school on Monday, and so if we don't hear from the parents we call; 50 percent of the phone numbers we get don't work. We usually don't get an answer when we call anyway.
>
> If they don't come to school on Tuesday we call again. If 4 days go by and the kid has not showed up at school and there is no contact from the parents, we send a letter to the address saying, where is your kid. If 10 days go by and we have not heard from that child or that family, we put them on the unable-to-locate list.

In fact, the majority of kids who leave the public schools, at least in Seattle, end up on that list. Nobody tells the schools what happens to the kids. So, that kid could have dropped out, could have been killed, could have been adjudicated, could have moved to a new school district. There are a whole bunch of possibilities of what happened to that kid, but nobody knows what happened to him, and there is no time by the school people to go look for that kid. Over a period of 4 years, a huge number of kids disappear from the school roles, and nobody knows what happens to them.

Now, when we start looking at kids who are in special education, we found a huge number of special education kids at the secondary level that disappeared. Nobody can account for them, where they are.

Now, they aren't the severely handicapped kids. Those kids are captives. They are put on buses, taken to school, taken off buses, put back on buses, taken home. I mean, they are captives. But it is the mildly handicapped kids, the kids we call learning disabled, emotionally disturbed, mildly mentally retarded, who just disappear. I can't find the hard numbers but somebody needs to look at that problem to see what is happening. It is a curriculum problem. What are we doing with that?

I am guessing that probably--and this is a guess, but I would guess that probably 50 percent of the mildly handicapped kids out of urban school districts are dropping out of public schools and not finishing special education programs. Those kids are poor kids primarily, they are ethnic minority kids, and they are kids whose families are not providing lots of support for them in the majority.

I think that that is a real heavy duty issue that we need to take a look at.

The second thing that came out of our tracking data that was real surprising is the differential outcomes between females and males. This primarily came out of the Susan Hasazi data in Vermont. We took a look at it and in fact in every category, and if you look at the written testimony I have some numbers—in every type of handicapping condition boys seemed to do better than girls when they leave the public schools.

Obviously, it depends what criteria we are talking about, but if we look at jobs or living independently, of reported satisfaction, it appears that the females do less well. Probably is something that we should look at.

The third thing that I was amazed at, and it is one of those things I need to admit I was very wrong in the past—I used to say that mildly handicapped kids, these LD kids, learning disabled kids, behavior disorder kids, or emotionally disturbed kids, and mildly mentally retarded kids were all the same kids being called different names. I published a couple of articles on this, I said that we just don't know how to diagnose these kids and we are playing some games. When we looked at our data, the followup data do not support that notion. I was really wrong.

It appears that those kids who are mildly mentally retarded, whatever that is, those young adults, do much poorer in the community than those kids that we call learning disabled. Again, the data in my written testimony, approximately 60 percent of the kids we label learning disabled on our study were working in some type of job, which compares very favorably to nonhandicapped kids of the same age. But with mildly mentally retarded kids we find that less than 50 percent are working.

If we take those who are in some type of post public school training program, like a voc-tech or voc training or working, we find that the mildly mentally retarded have no programs to go to and that that population really seems to be ignored in our service system after school.

So, I think the tracking is really important. We have to continually look at what is happening to our graduates so we know what kind of programs to build. The three that come to my mind are dropouts, the boy-girl problem about differential outcomes, and mildly mentally retarded kids seem to be really doing much poorer than anyone else.

The last thing I would like to comment on in this oral testimony is the need for coordinated services right at the point of transition, when the students are leaving the public schools and then going out into the post school world or the world of the community or whatever. We have to come up with a new name for that. We don't know how to describe it right now.

The problem nobody is given the responsibility of hanging with those students. As problemmatic as the public schools are in our country today, everybody knows where to go if you have a kid of school age. Right? You go to the school building and you put them in, you find a State director and you say, Brian, it is your problem, you take care of it.

But when that kid graduates there is no common place that is responsible for those people, and maybe there shouldn't be. I don't have an answer for that. But we have a lot of students who are leaving the public schools and there is nowhere for them to go. The disability programs serve some of the special ed students but not all of them.

If we look at rough numbers, we would say approximately 20 percent of the students who leave special education programs are eligible for developmental disabilities programs in the various States.

Voc rehab serves some of the students but not all of the students. Mental health serves some of the students but not all the students. Vocational education programs and voc-tech serve some of the students but not all of them. Community colleges, 4-year colleges, there is no one place for everybody to go.

Somehow or other we probably need a coordinated State plan, similar to the early childhood plan, but at the secondary transition level to get these agencies to work together.

But there is one fact that I will leave us with today, and then I will close.

No matter how well we coordinate those programs, there aren't enough of them. There are simply not enough service dollars to pick up the people who are leaving public school who need ongoing support. That needs to be addressed by several agencies, not only education.

Thank you.

[The prepared statement of Eugene Edgar follows:]

PREPARED STATEMENT OF EUGENE EDGAR, EXPERIMENTAL EDUCATION UNIT, CHILD DEVELOPMENT AND MENTAL RETARDATION CENTER, COLLEGE OF EDUCATION, UNIVERSITY OF WASHINGTON

Recent attention to the issues of secondary programs for handicapped youth and the subsequent transition of these youth to community life afforded by Part C of the Education of the Handicapped Act has accomplished several goals: increased national awareness of these issues, a reopening of a healthy debate on the purpose of public education in the United States (especially as applied to youth with disabilities), the focus on outcome of education as opposed to access to education, the beginning of a major revamping of secondary curriculum in special and vocational education, and the genesis of a movement to coordinate necessary post-school services. A problem was clearly identified, potential problem-solving ideas were generated, funding was made available, priorities established, the Office of Special Education and Rehabilitation Services took a formal stand (Will, 1984), and research and development activities were initiated throughout the country. Given all this attention, the very best thinkers in special education and human service delivery have come to work on the problem. As with any scientific endeavor, there have been successes as well as failures in these efforts. However, there has been steady progress toward the development and implementation of effective programs that will ensure an improved quality of life for youth with disabilities as they mature into adults.

Two issues which have emerged from this initiative have, I believe, great potential to positively impact special education services far into the future: the debate on the desired outcome of special education and the development of a desire to measure the outcomes of special education rather than the availability of programs (outcome vs. access issues). These two factors have, in turn, opened the doors for a careful scrutiny of secondary curriculum, the availability of post-school services, an analysis of the process of transition from schools to community life, and the exposing of several related problem areas.

Although tempted to delve deeply into the philosophical debate on the purpose of public education in the United States, I will leave the fundamental issues raised by Jefferson and Dewey to another time. However, there are four major issues which do relate directly to this topic that I would like to highlight as a method of opening the dialogue. First is a predicament of American education succinctly stated by Daniel Boorstin:

> The debate over its (education) proper role in American democracy would focus once again a question that had reoccurred throughout American history and that would bedevil the nation in the twentieth century. It was in some ways the central problem of modern democracy, for it was nothing less than the question of the meaning of human 'equality.' Was the good society one which allowed all citizens to develop their natural differences, including their natural inequalities? Or was it a society which tried to make men equal? Did 'equality' mean the maximum fulfillment of each, or did it mean the leveling of all? (Boorstin, 1973, p. 49)

Should special education attempt to replicate the education of nonhandicapped students (mainstreaming the content of education) or should special education create a separate curriculum? A difficult issue, one that can not be totally resolved but one that must be addressed by professionals, parents, and legislators.

The second issue has been raised by Chester Finn, our current Assistant Secretary of Education. "Is formal education - the kind one gets in school - fundamentally an extension of the family? Or is it one of the premier functions of the larger society?" (Finn, 1985, p. 17) This issue impacts special education directly in terms of parents' role in developing the Individualized Education Plan. Who is responsible for developing the direction of educational programs, be they vocational, academic, or social? This debate must continue, and must actively involve teachers and parents. "Those who would truly revitalize the schools will understand both views [parents or society], but be captive of neither." (Finn, 1985, p. 36)

The third issue has clearly been stated by Madeline Will. "The transition from school to working life is an outcome-oriented process encompassing a broad array of services and experiences that lead to employment..." (Will, 1984, p. 1) The desired outcome of special education, at least in this case, has been defined as employment. This certainly diverges from the desired outcome of regular education...what about learning "to speak and write correctly and [developing] standards of right and wrong?" (Finn, 1985, p. 36)

Finally, Andy Halpern has stated the issue of a broader goal for special education..."living successfully in one's community should be the primary target of transitional services. The dimensions of community adjustment include the quality of a person's residential environment and the adequacy of his or her social and interpersonal network. These two dimensions are viewed as being no less important than employment." (Halpern, 1985, p. 480) So the debate continues, as it should, and to a large degree stimulated by Part C of the Education for the Handicapped Act.

The second direction I would like to discuss deals with the tracking of special education students. The authorization of funds to conduct demographic studies (section 626(a)(4) of Part C) has resulted in the generation of a data base by which to evaluate the impact of special education as well as isolate problem areas and needed resources. This is a significant move in the direction of developing outcome measures as compared to process measures for the evaluation of what constitutes an "appropriate education." Before this initiative, the evaluative function in special education focused on access (numbers served, IEPs developed, location of services, LRE, etc.). Now the focus has shifted to outcomes -- what happens to students who are served by special education. Certainly the contract awarded to SRI to conduct longitudinal studies will provide a substantial data base on which good decisions can be made in the future. The study by Susan Hasazi and her colleagues in Vermont has provided the field with crucial information on the post-school life of special education students (Hasazi, Gordon, & Roe, 1985). Studies we are conducting in Washington State are also adding to the data base (Edgar, Levine, & Maddox, 1985). These data sets allow us to review the impact of special education, isolate populations which need more attention, and chronicle the needs of these individuals as they adjust to the adult world.

The convergence of these two activities (the debate on outcome and the establishment of an outcome data base) has resulted in the highlighting of three major issues: needed changes in secondary programs or curriculum, the need to coordinate and expand post-school services, and the need for developing a formalized "hook-up" process at the point of young adults' transition from schools to community.

Secondary Curriculum Changes

As a result of intensive professional activities over the past several years, stimulated by the availability of federal dollars, there have been many innovative changes in the secondary schools. Certainly the attention focused on the vocational education-special education partnership has resulted in the inclusion of many special education eligible students into appropriate vocational education classes. There has been a concentrated effort to increase the learning skills (study skills) of mildly handicapped students which will enable them to fully participate in regular education and achieve the skill levels of their nonhandicapped peers. Some innovative work-placement programs for the more severely disabled students have produced meaningful skills in individuals who many thought were incapable of living independently. There has been much progress. There is still a very long way to go!

As encouraging as these programs have been, there are several disturbing points which remain. Contrary to popular belief, we have yet to show a positive correlation between vocational education programs for handicapped students and eventual employment. Logically, there should be a causal relationship between the two; however, we still are searching for the components of vocational education (training) which relate directly to employment. Some of the Hasazi et al. findings provide a glimpse of what may prove to be crucial program components. The Vermont data found that actual job placement (holding a real job for pay during summer or after school) seemed to be an important precursor to later, post-school employment, whereas merely attending vocational education classes was less of a factor (Hasazi, Gordon, & Roe, 1985). These data do not imply that vocational education is not effective; rather, they indicate that we need to study further the effects of education and training on employment outcome.

Related to this issue is the concern for subpopulations within all those students served by special education. Are we obtaining equal outcomes with the various types of students in special education? From our data in Washington State two very disturbing trends are developing. First is the issue of sex differences -- females and males served by special education seem to achieve different outcomes in terms of employment and community adjustment. When controlling for handicapping condition we have found that female graduates do significantly less well on all outcome measures than their male counterparts. These data are consistent with those noted by Hasazi, Gordon, and Roe (1985). Why does this happen, what can be done to change this, and how is this change to take place -- these are crucial questions which demand our further attention.

CURRENTLY EMPLOYED

	N=757 Male	N=371 Female
Learning/Behavior Disordered (N=760)	70%	56%
Mildly Mentally Retarded (N=150)	47%	40%
Sensory Impaired (N=52)	54%	43%
Severely Mentally Retarded (N=166)	42%	36%

HELD AT LEAST ONE JOB SINCE GRADUATION

	Male	Female
Learning/Behavior Disordered	82%	69%
Mildly Mentally Retarded	67%	49%
Sensory Impaired	67%	57%
Severely Mentally Retarded	52%	47%

CURRENTLY IN POSTSCHOOL EDUCATION

	Male	Female
Learning/Behavior Disordered	19%	16%
Mildly Mentally Retarded	16%	10%
Sensory Impaired	38%	43%
Severely Mentally Retarded	9%	7%

The second subpopulation of concern is the group generally identified as mildly mentally retarded. This is a very complex issue involving ethnic minority issues, male-female issues (boys are grossly overrepresented in this group -- a 5:1 ratio of boys to girls), regular education vs. special education, labeling, testing, and so on. The National Academy of Science has addressed this issue in a publication entitled Placing Children in Special Education: A Strategy for Equity (Heller, Holtzman, & Messick, 1982) in which an eloquent restatement of the problem was proposed...the question is not why are minorities and males overrepresented in special education but rather why doesn't regular education do a better job with these populations. I have argued elsewhere (Edgar & Hayden, 1985) that mildly retarded students are similar to learning disabled and behavior disordered students and need the same type of education experiences. I was wrong. Our data continually indicate that those students we have identified as mildly mentally retarded consistently do worse on any measure of post-school adjustment than do learning disabled or emotionally disturbed students (the other mildly handicapped). And there are virtually no post-school services for this population that provide long-term, ongoing support for their adjustment to post-school life. While vocational rehabilitative services are appropriate job training possibilities for them, these young adults appear to require ongoing support services to be successful in adjusting to the community. This population needs to be studied in depth in order for us to develop appropriate and effective secondary programs. We have a long way to go.

	Mildly Mentally Retarded N=150	Learning/ Behavior Disordered N=760
	%	%
Currently Employed:	43%	66%
Held at Least One Job Since Graduation:	58%	78%
Currently Employed or in School or Both:	51%	76%

The final point I wish to make regarding needed changes in the secondary curriculum concerns dropouts. Potentially the most serious of all issues raised in this testimony is that of dropouts or "elbowed-outs" or "abandoned" individuals who are eligible for special education programs but who leave the school system before completing a program of study. The 1981 GAO Report (Disparities Exist in Who Gets Special Education) found that 67 percent of children served in special education in the public schools were 12 years of age or younger. Many, including myself, interpreted this to mean that there were unidentified students in the secondary schools who needed special education but were not receiving it. The obvious solution was to "look for" these students in the regular education classes. With hindsight I believe the issue is that of dropouts. Data on dropouts are very difficult to obtain - students leave a particular school for numerous reasons (a move to another location, actual dropping out, illness, adjudication by the legal system, etc.) but seldom inform the school about the reason for exit. So, students do not show up for class, the school makes one or two attempts to contact the family, and after some period of time the absent student is dropped from the rolls, usually with a note that the school is "unable to locate" him or her. National statistics indicate that approximately 27 percent of students who begin 9th grade fail to graduate. That is a deplorable statistic -- our public schools fail outright a quarter of the population. My guess is that the numbers are even higher for special education students. Not so for the more severely involved, for they are truly captives of the system: they are placed on school buses - sent to school - returned home - and cycled on and on. However, a sizable portion of the 80 percent of special education students who are mildly handicapped (Edgar & Hayden, 1985) seem to disappear in our secondary schools. Here is a brief example. In a major urban school district there are some 1800 students enrolled in special education programs in grades 7 through 12. Divide this number by 6 (the number of grades, 7 through 12) and we would expect 300 students per grade. Over the past 3 years, 110, 108, and 113 students have either graduated or "aged out" of special education programs in this district. What has happened to the other 200 potential graduates each year? Were they returned to regular education? Or did they "disappear?" A very crucial question. My guess is that they dropped out, they were mildly handicapped (mildly mentally retarded, learning disabled, emotionally disturbed), they were poor, they were from ethnic minorities, and they are not adjusting well to adult life in the community. These are, admittedly, guesses. A major effort is required to study this issue and develop approriate intervention programs at the secondary level for these students.

Coordination and Expansion of Post School Services

The next major concern is the need for better post-school services. The essence of the problem is simply this: there are not sufficient post-school services to adequately meet the needs of special education students who leave the public schools. And, even with the best techniques available in secondary schools to appropriately "teach" the students the right skills, AND with the best coordination of existing post-school services (coordination which is lacking right now), there will still not be sufficient post-school services. There must be an expansion of community based services for our citizens with disabilities. The services most in demand appear to be: 1) Jobs, not training for jobs, but real jobs. 2) Support services for those individuals who can live an almost (but not quite) independent life (the moderately and mildly retarded, the chronically mentally ill). These include not only work but also residential and social services. 3) The development of additional post-public school educational opportunities, including job training, in community colleges, vocational schools, and other generic post-secondary educational programs. These topics may not be the concern of this particular hearing but they are absolutely necessary to consider if we really do wish to enhance the quality of life of our citizens with disabilities.

A more pertinent issue is the coordination of existing services. Duplication, waste, bickering between service agencies, finger-pointing between school staff and post-school program staff, and parental discouragement are far too common events in current interagency collaborative efforts. I believe we are learning (slowly perhaps) about how to get along with each other. There are numerous examples of good coordination, as well as some obvious bad ones. (For instance, the removal of vocational rehabilitation counselors from the schools in the 1970s after passage of PL 94-142 has to be one of the greatest mistakes in the delivery of human services. No single agency is to blame -- we simply made a mistake that is slowly being rectified.)

Attempts to make transition planning a mandatory collaborative effort are too young to evaluate. Attempts at voluntary collaboration (doing what we ought to because we ought to -- not because of a law) are also a bit too new to evaluate. However it is motivated, collaboration is clearly important. Many interagency collaborative programs (stimulated by Part C) are being implemented and, at least for the present, it appears we are on the right track. Precisely because these efforts are new and largely unevaluated, it is urgent that they be continually monitored.

A Formalized Hook-Up Process

The final topic of concern is the actual "hook up" or "hand off" of the student from education to post-school services. A brief review: we need to alter secondary programs so as to better prepare our students for the post-school world. We need to GREATLY expand post-school services for some of the people we serve. (It stands to reason that there is no need to worry about the transition process if there is no place to go.) Finally, we need to be sure that we hand off those of our students who need post-school services to appropriate post-school agencies. Clearly, not all special education graduates need post-school services. Both Hasazi et al. (1985) and Edgar et al. (1985) note that approximately 50-60% of the graduates are doing "pretty well" without special services. And, with an improved secondary curriculum, we can realistically expect even more of our graduates to function in the adult world without support. However, for those students who require ongoing post-school services, the schools, who are the senders in the transition dyad (schools to community) must take the lead in developing formalized procedures for ensuring that the students (and their families) are "hooked up" to appropriate services BEFORE they leave the schools. There have been a number of such programs developed across the country (Horton, Maddox, & Edgar, 1984) and there are others being developed by projects stimulated by Part C. We should consider the establishment of a mandatory Individualized Transition Plan (ITP) for all students exiting special education programs. On the whole, I personally dislike mandates. On the other hand, ITPs ought to happen but they don't.

Summary, Conclusions, Recommendations

The attention focused on secondary programs and the transition of special education students by Part C of the Education for the Handicapped Act has achieved startling positive results. A number of issues have emerged which could serve as a major focus in the future.

1) Maintain the emphasis on secondary programs, especially regarding curriculum change projects.

2) Maintain the emphasis on tracking student outcome data.

3) Acknowledge the need for additional post-school services for a subsample of special education students.

4) Develop a major initiative for the study of dropouts from special education programs.

5) Open debate on a mandatory Individualized Transition Plan for all special education students.

6) Facilitate the continuing dialogue concerning the desired outcome of special education.

Thank you for inviting me to share my views with you.

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Mr. **Williams**. Thank you. Thanks to each of you.

Mr. Bartlett.

Mr. **Bartlett**. Thank you, Mr. Chairman.

I want to thank the panel. This is exceptionally good and provocative testimony, and of course, Dr. McNulty, we appreciate you coming back again for another round of reauthorization.

Let me begin with Dr. Edgar. First, just a comment, I suppose, on something you said in your oral testimony but not in your written testimony about work. There are a variety of outcomes, obviously, and should be, that should be emphasized as well as measured. But if you were one of those people who were denied the opportunity for the next 40 years of your life to get a job in the work, you might think that work was a bit more important.

Dr. **Edgar**. I certainly would.

Mr. **Bartlett**. I do agree with you when you suggest that we ought to focus on the outcome of the services, rather than the services themselves.

We in Congress and I think in the providers, we oftentimes use various measurements to measure how much service, as measured by dollars, we are providing, as opposed to what the outcomes are.

I would begin with any of the three of you, really, as to whether you would have any kind of suggestion for things that we could do in this reauthorization that would better measure outcome?

I know that there are several things that we are doing in terms of maintaining a tracking of student outcome and such, but I am not at all convinced that anyone is using that data at all well. And so my question is, is there something we can do in the law that would provide better measurement of outcome? And second, is there something that we can cause to be done that would cause that data to be utilized? Or how well do you think the data is utilized now?

It is a pretty easy question, I know. Dr. Edgar?

Dr. **Edgar**. That is a real tough question. I think there are probably multiple outcomes, and I think that two things should happen. I would like to see two things happen.

One is the open debate about various outcomes continue, because I don't think it should be closed in the near future.

I would also like to see programs that are funded to develop model curriculums or whatever to report outcomes, and probably longer range outcomes than are currently being requested. That deals with how long funding cycles go. A lot of the projects are funded for 2 or 3 years and it is really hard to do long-term follow-up with a 2- or 3-year funding. But I think by requesting those federally funded programs to report outcome data would be one way.

The other one is to get the States—and Brian will probably not want to talk to me on this one—but States to collect that as part of the Act to collect some outcome data.

It is hard to get sometimes but I think it is real useful information.

Mr. **Bartlett**. Dr. McNulty or Dr. Dunst?

Dr. **McNulty**. Let me backtrack a little bit because I think one of the second issues that needs to be addressed is the dropout problem.

If we are following along the kids who have been more successful and stayed in school, I am not sure we are getting the full picture. I think, No. 1, we need to back up and get some good data on the dropout issue and to look at, you know, how many kids are dropping out and why are they dropping out, because I think it is that group of kids that we are going to be most concerned about in terms of their ability to go into work situations.

I would like to see us collect that piece of data. Again, maybe under some of the research initiatives, if we could look at some dropout studies of handicapped kids that looked at—again, it probably is that more mildly handicapped group of children, who are they, you know, what happens to that group when they drop out, first. I would then support the notion of saying that we do need to do some followup and some follow along.

The problem is, again, the public school loses its jurisdiction of those children, they go out, they move, and they leave and they go into other parts of the system. So, it becomes very difficult, at least for a local public school program to say that they are going to follow these kids out into the work world, because these kids move.

I am not sure that the local public school is potentially the—at least certainly the beginning place to gather that data. I would throw some of that, I guess, back to the States and say maybe that the State education agencies could undertake an initiative to do some followup. I think that the universities could undertake some followup. And again, start gathering at least a State by State if not a national data base that tells us what is happening, again, to the handicapped population.

We have done a followup study in Colorado that looks at what happens to the high school graduates of handicapped children. So, I mean, we have got some of that. Again, we feel it is a sampling. And then the questions—we are doing a second followup study right now because the first followup study said there seems to be a very high correlation with, again, the parents' perception of what they wanted for their children.

Parents who wanted children out of their home, living independently, and working, seemed to have more kids out in the workforce. There seems to be some kind of a correlation between parent expectations also.

The second study that we are doing now is to say, what is it that sort of defines those parent expectations, and look at that, is there some way that we can support parents, again, in terms of saying how do we help you to help your child find a job and get on into the workforce also. And that is another question that I think needs to be asked, because I don't think it is as simplistic a variable as saying that the kids naturally will go out and find jobs independent.

It seems to be very highly correlated with the expectations of the family also, do parents want their kids to leave home. Some parents may not want their kids to leave home. They are caretaking for those children and they really don't want to let them leave.

So, there are some other variables I think that need to be looked at aside just from that outcome variable of saying did they leave and go to work. The question of why didn't they leave, why didn't they find work, was it the fact that we didn't provide the right case management in terms of hooking them up with other agencies, was it because maybe there wasn't the expectation on the child's or the parent's part that they would go out and work after they graduated.

Mr. BARTLETT. All right. Let me switch over, then, to the preschool part, which the two of you, Dr. Dunst and Dr. McNulty, provided.

I suppose my questions would be multiple and almost endless, such as in terms of preschool, in your judgment, who should provide the services? What category of kids should receive the services? What needs to be done, what would be the single most important thing, in your opinion, that could be done to facilitate cooperation in joint responsibility between social service and educational agencies?

Let me preface it by saying that I look forward to the day when a service system is in place to assist the development of severely handicapped infants on the day that they are identified, beginning from that day forward, because I think that early intervention is the most effective. But how would you sort out the roles between the social service agencies and educational agencies in the preschool area?

Dr. DUNST. Let me answer that from the perspective of North Carolina, which has been involved in serving severely handicapped infants for almost 12 years now.

There are two types of services provided to handicapped children and their families in North Carolina. One is through the mental health system, which was decided back in the last 1950's that it was important as part of the mental health of families to serve handicapped infants since the demands that those children place on the families could exceed the families' capability to cope with it.

The other type of service in North Carolina is services through the public school program. Those services tend to be for mildly handicapped kids but tend to be very restrictive in terms of their focus, focus in terms of what constitutes early education as well as what constitutes the outcome of early intervention.

For mildly handicapped kids, the outcome is typically child progeny. For severely handicapped kids, it tends to be the emotional and physical well-being of the families, the ability of the child to function within the family unit, the ability of the family to rear that child as normally as possible. I am not sure there is one agency more than another that could or should be responsible to serve mildly handicapped youngsters and with respect to severely handicapped youngsters.

The thing that I find that is most important is an agency who recognizes that families have needs beyond the educational needs of the handicapped youngsters, and their willingness to provide the services and to work with the different agencies to ensure that family and child needs outside of education are met. States tend to vary in terms of how they do that. In some States, I have seen public health agencies take that responsibility. In other States, I have seen the educational agencies.

I think the key to mention is that there has to be an agency in each State who has the ultimate responsibility for the coordination of the services to handicapped children and their families, but they have to recognize that they can't just address the need from that particular agency. If it is a health agency, they can't just meet health-related needs. So that they have to be willing to meet the needs of both the children and families outside of that agency's primary area of responsibility.

Again, they don't need to provide the service. They have to have the responsibility to coordinate the provision of those services until we get to the point where there is one agency responsible, and that agency sees the need on a broad-based perspective and see our mandate as ensuring that those needs are met. But I don't think it makes any difference what agency it is, as long as they view it as their responsibility and they don't say things like that is not our area of responsibility, we are not supposed to be doing those types of thing. And unfortunately, that is—the States that I know around the country, there are a number of agencies who do serve handicapped infants and their families that will often say that that is not my area of responsibility. And once you hear that, the program is doomed to failure on a broad-based perspective and child and family needs will go unmet.

Mr. **Bartlett**. Let me follow up on that. Is there a successful model that we could look at of a State in which there is a lead agency that typically says that is my responsibility to coordinate the preschool services?

Dr. **Dunst**. In the five States that I have worked in and the five States in which I have seen early intervention services, the model that tends to work best is the one that the agencies feel most comfortable with. I wish that we could develop a State plan and a system and a model that we could replicate across States. I am afraid that that will not work.

The key ingredient seems to be the willingness of the different agencies responsible for working with the children to come to some agreement that this is a model that will work for the children and families that they serve. I suspect that it probably would be a mistake to develop a model that would be applied broadly, because we would wind up making some decisions that just wouldn't fit into the different service delivery systems.

Mr. **Bartlett**. Thank you.

Dr. **McNulty**. Can I just pick up on that, because I think your question was, who will or should serve that population and how do we really coordinate that?

As we start to deal more with the transition issues and the post school issues, it is my distinct belief that we are pushing the rest of the service delivery system, the DD system, the mental health system, the social services system, et cetera, into serving that adult population. That adult population is larger than the school population when you look at the lifespan of people.

I think that the reality is going to be, whether we choose it or not, that what that is going to do is, as we are negotiating—and I think we probably have a State that has excellent interagency cooperation—as we start to negotiate out sort of who is going to pick up which children at which ages and how long are they going to carry them and they are going to provide for independent living and recreation and work experiences, and they are trying to look at how they are going to capture the resources to do that, that the shift is going to be inevitably toward the public school then to pick up that birth to five population, because it is logical they are in every community, et cetera, and they seem to be the logical provider.

They may not still be the most appropriate provider and they may still need additional training, but in the negotiations at least that we are having with the other agencies to say the chronically mentally ill have got to be served also out in the community, if we are not going to institutionalize people who are developmentally disabled, chronically mentally ill, et cetera, and they are going to have to live in the community, that becomes an incredible fiscal and programmatic responsibility for the other human service agencies.

As we are pushing that on them saying, we have got *x* numbers of thousands of handicapped children coming out of public schools and we expect you to be the adult service providers, their response back is then, you are going to have to pick up that early end, we can't do that.

Mr. WILLIAMS. The gentleman's time has expired.

Dr. Dunst, you mentioned that we needed more equitable distribution and demonstration of these grants. How would you share the money across outreach and State planning grants, and research and technical assistance?

Dr. DUNST. The point that Brian made and what I put in my written testimony is that the number of demonstration grants that currently exist is simply inequitable in terms of the benefit for outreach. We know that for every child who is served in a demonstration grant, there are more than four to eight children served as part of outreach.

Unless we change the focus of what constitutes a demonstration grant and what we continue to do in terms of saying that we want model demonstrations of the programs, we have pretty much run out of demonstration models. And we know that the greatest benefits to handicapped children are likely to come as a result of putting more funds into the outreach project.

Now, what would be an equitable distribution, at this point I don't know, is I would say a shift—right now it is about 75–25, 75 demonstration, 25 outreach. I would think that no less than 25 demonstration and 75 outreach would increase tremendously the number of handicapped kids that could be served in this country, because we know that those outreach efforts reach more and more handicapped kids.

The second thing is that as outreach projects become involved with early intervention projects that have not had the opportunity to test and try demonstration models, they can benefit by increasing the quality of services they provide for handicapped youngsters by being involved with these outreach projects.

Whether or not there is a magic formula, I don't know, but I would think that a switch in the way the funding occurs, where most of the money is actually put into outreach as opposed to demonstration, would be the way the majority of handicapped kids could be served in this country.

Mr. WILLIAMS. Dr. McNulty, as you know, the small States are limited in the amount that they can spend for administration. Public Law 94-142 sets the maximum at $300,000.

Do you have any suggestions for amending that cap?

Dr. McNULTY. I would like to talk not only about the small States but all the States. The small States especially, yes, I think that that $300,000 cap is unrealistic in terms of the administrative responsibilities that are required under Public Law 94-142.

The monitoring of all other public agencies who provide education programs alone, I think, necessitates enough staff at the SEA level to be able to do that. I would encourage you, I think that the recommendation was to move that up to $400,000 a year. I would really like to support that, although we are not one of those small States, that you consider that.

The problem has been for States—I think when that 5 percent cap was placed on administration, it was placed with the thought being that the States would receive 40 percent of the excess costs, and 5 percent of that 40 percent, I think, would have been sufficient to provide enough administrative staff to carry out the intent of the law. But 5 percent of 9 percent does not provide enough administrative staff to really, I think, carry out the mandates of the law.

Mr. WILLIAMS. In your testimony you encouraged additional training support services. Elaborate on that for me some?

Dr. McNULTY. Under part D?

Mr. WILLIAMS. Yes.

Dr. McNULTY. What I was suggesting there, especially in early childhood, was that the priorities can be set for the SEA Part D training grants. I would like to suggest that right now we have out in the field, again with the rapid growth of early childhood programs with lots of people out in the field who are not currently certified or endorsed, although they may be going back to school—they have a great need for in-service training in the field in order to run a quality early intervention program.

I would like to suggest that maybe a priority could be set as a part of the SEA Part D grants to dictate training in the field, inservice training to the local school districts in the area of early intervention.

Mr. WILLIAMS. What do you see as components of an effective parent support initiative?

Dr. McNULTY. It would certainly vary. I think that the question becomes, what is it that parents see themselves as needing. And therefore, the focus of the kinds of services that we offer to parents needs to be set by the parents themselves. Is it that they need a parent support group, is it that they need more information, is it that they need to know—to have someone work with them to transition their child into public schools?

I think that the question is really one that is more focused than instead of teaching parents, which is I think the way that the early childhood programs started was, we are going to teach parents to teach and make them miniteachers.

Now the question is, how then do we instead say to parents, maybe what you need right now is a cooperative babysitting program so that you can get out of the house every once in a while, maybe you need respite care, et cetera. And those are the kinds of support functions that could be coordinated, I think, through an early intervention program.

Mr. **Williams**. Dr. Edgar, Assistant Secretary Will has placed a high priority on improving transition services for handicapped youth. The Congress has suggested spending slightly more than $6 million and Secretary Will has been able to allocate a total of $20 million.

Secretary Will is defining the outcome of special education as—that is, the best outcome of special education as employment. You seem to be indicating otherwise. Within the context of the additional dollars and emphasis going to a transition, I would like you to comment further on the successful outcomes of transition?

Dr. **Edgar**. I don't want to leave the impression that I am opposed to work. That has been mentioned several times and that has happened to me before in similar situations. I really think that the emphasis on work is a positive one, but it should not be the only emphasis.

I think there is more to providing education than simply focusing on employment. I would like to expand the definition of what the desired outcome is. I think that would include the semblance of living independently so you make decisions, in that you choose activities, including work, but that you choose activities or what you do.

A student of mine did a little study a number of years ago where she tracked what five regular teenagers did in high school and weekends and after school, and basically what they did was they hung out. We went out to a friend's and hung out, we went to the basketball game and we hung out, we messed around, hopefully legally.

She tracked then some kids who were in trainable mentally retarded classes in the same high school, the same age, and basically they were hauled to the handicapped dance and they were hauled to the handicapped park department program, and again they didn't make choices. They were taken somewhere, dropped off, picked up and brought back. They didn't hang out.

I think that is sort of a statement of quality of life, of choosing what you are going to do. Somehow I think we need to build that into our school programs. So, that is, I guess, what I—choosing recreational activities and finding independence in living would be other things, in addition to work.

Mr. **Williams**. I found myself being somewhat startled by your revelations about lost, literally lost youth, that they either intentionally drop out or are unintentionally elbowed out of our school system.

Is it the schools', therefore the States' chore to track students who are no longer under their umbrella? And if it is, what do we do with them once we know where they are? Or are we only finding out where they are so we can add another column?

Dr. **Edgar**. I was startled when I stumbled across that, I was startled in two ways. One is that I never thought about it. I have been in this profession for over 20 years and I thought I was an advocate for kids and I thought I was out there. All of a sudden I realized that probably more than 25 percent of the kids that I thought I was advocating for I didn't even know were disappearing. You know, that sort of grabs somebody who is theoretically thinking about these things. So, that startled me.

The second thing is, why aren't we doing a better job? I think it is the question that the National Academy of Science asked in that publication about equity in special education, where the first question was, why so many minorities and males in special education? Then they said, the real question is, why doesn't regular education do a better job with minorities and males? I think that is our responsibility, as people concerned with education. When we see a substantial number of people that we should be serving who are leaving, I think we need to ask ourselves, why can't we do a better job. The reason to track them is not another column or another publication. The reason to track them is to say, what can we do for that group of kids?

Mr. WILLIAMS. So, the result of your tracking would be to find them for the purpose of trying to determine why they dropped out or were elbowed out, and what they are now doing?

Dr. EDGAR. Maybe they are doing great. I doubt that. But maybe they honestly are. Then maybe we can put in a dropout program as an intervention program.

But no, I think it is to find out who they are and under what circumstances they felt compelled to leave or they left, and is that something that we should address and how do we address it.

I think one way to answer those questions is to go to the source and what some of us call backward mapping, rather than trying to think about it at the university level or the congressional level, go down to the people who are experiencing it and saying, what is going on, do you have any ideas for what maybe could be better.

Mr. WILLIAMS. It seems to me that about a quarter of a century ago, before we really began to attempt to impact those Americans who, for whatever reason, lived in what has been referred to as the shadow of life, we began that effort because we had information about the despair in which these people lived. It seems to me we no longer have that information. At least we no longer talk about it, because now we are treating many millions of those people. So we now talk about benefits of the treatment.

What you are saying is many of them are leaving the treatment, going back into the shadow, and we no longer talk about the despair that they feel out there.

You know, maybe those of us in government have been discussing only half of what we ought to be talking about. That is, we are talking about the benefits of governmental application with various programs. Maybe we need to once again focus on what happens when there is a lack of application to the millions of elbowed out or those who, for one reason or another, simply never quite get into the system. That is what we used to talk about. That is what convinced us to try these applications in the first instance.

Mr. Jeffords.

Mr. JEFFORDS. Thank you, Mr. Chairman.

First of all, Dr. McNulty, coming from Vermont, I appreciate the words on administrative funds.

Dr. Dunst, your statement that we should increase the funding in the outreach area concerns me only to this degree: I have not taken a look nationally, but I have taken a look in Vermont and also in the Department of Defense schools. This past summer I spoke with the pediatricians and persons involved in the child find programs, that seem to be working very well. They expressed a great concern about the outreach work they are doing, because when they located youngsters and informed the family that they had a handicapped youngster and that something ought to be done, all they could do was to put them on a list with a school system and then on a time available basis something might occur until such time as they reached age 5.

I am concerned as to what happens when we improve the outreach and the child find programs. Nothing happens except the anxiety level either goes up or down, depending upon the way the family handles the situation.

What happens if we improve our outreach? Is anything being done on a broader scale to take care of the youngsters?

Dr. DUNST. My comment about the shifting emphasis from demonstration to outreach would be contingent upon a State plan being in place where the State is actually establishing preschool programs for handicapped children. So that in a State where there is no State plan and there are no early intervention services available, then demonstration programs would obviously be one solution to serving handicapped preschoolers.

However, in the States, which the majority of them will have State planning grants and have begun to establish these preschool programs, is the way to improve the quality of those programs is probably having people who have spent time demonstrating how to run high quality programs working with these new programs in an outreach capacity to help them begin to do things within their programs that we know are tried and tested.

So that there is a linkage between decreasing the demonstration grants and increasing the outreach grants to the extent that a State planning grant actually is setting up preschool services for handicapped children.

Mr. JEFFORDS. Where do we stand nationally for the early childhood programs?

Dr. DUNST. I am not sure what the most—I believe that effective this year all but a handful of States will have State planning grants, which means over the next 5 to 6 years is that the majority of States will in fact have the potential of setting up large numbers of preschool programs for handicapped children.

Mr. JEFFORDS. I am sorry I won't be able to be here for Dr. Stephens testimony, but if I could direct one question to her obliquely here. It would seem to me that since we have the Department of Defense schools and a structure within the Defense Department, if there is any place we ought to be able to build a model to examine how we ought to operate, at least at the Federal level, it ought to be in those Department of Defense schools. Especially overseas schools, to see how we can really coordinate the child finds, the early childhood, and the schools. Apparently we are not doing that right now.

So, thank you. Thank you, whoever the Chairman might be.

Mr. BARTLETT [presiding]. I am not sure who the chairman is, but whoever it is, I would like to turn it over to Mr. Martinez for questions.

Mr. MARTINEZ. I thank you, Mr. Bartlett.

You know, when I think of the special programs that I see or hear about and not just in this area but other areas as well, where someone develops an ideal program but no one else knows about it. It is active only in one part of the country and nowhere else. This drawback is made more difficult when coupled with the question of how you deal with handicapped children, especially in preschool, because there are so many different handicaps, and each one of them, I guess, has a peculiar set of circumstances that you have to deal with.

So, I don't know that you can really develop any model program that would fit every situation. But at least some standards of operation could be shared on a national basis, I would think that that would be the ideal thing to do.

I think your testimony addressed this, there are many handicapped people out there that never become aware, or maybe parents of handicapped children that never become aware that there are programs that can help them.

I agree with you when you say you would like to see some of the money spent for outreach and services, rather than just expending any more for developing model programs.

Could you expand, how could you—my concern always is that if we provide a program that would reach everyone that it possibly could, how can you develop a way of really reaching every person out there that really needs that service?

Anyone or all.

Dr. DUNST. Let me just respond real briefly. My experience has been that you can do all the child find that you want and will often result in not finding the children. You set up a program and you make that program visible and the children will be identified.

We know that our child find efforts in this country as a result of Federal funding have essentially been a failure, because they simply do not identify large numbers of handicapped youngsters as part of their identification activities.

If you set up a program based on some established need, you almost always identify sufficient numbers of children to be served and typically more.

Mr. MARTINEZ. They find it some way, either through the publicizing of that——

Dr. DUNST. In North Carolina, any time we go into a county in which there are no existing services and we establish some type of preschool program for handicapped children and their families, we always have kids and families coming out of the woodworks to get into that program.

Dr. McNULTY. That has been our experience also. Once the program is established, the people find the program. There seems to be an incredibly effective informal communication network that happens amongst parents. When parents talk to other parents, they find where those services are, especially for early intervention programs.

Mr. MARTINEZ. Thank you. Nothing else.

Mr. WILLIAMS [presiding]. Well, gentlemen, thank you very much. We appreciate your responses. They have been very helpful.

Mr. BARTLETT. Mr. Chairman, before the panel completely breaks up, if I might first ask unanimous consent if we could leave the hearing record open, if that is appropriate, to either receive the results of the longitudinal study which is being done by the Department of Education on this issue of dropouts, and/or at least refer to that study which will be submitted sometime before reauthorization, at least refer to it in this hearing record as something that then we could look at in obtaining some real data on the dropouts.

Mr. WILLIAMS. I think the gentleman has a good idea. We are referring to it in this hearing record and then accepting it for our files, inasmuch as this reauthorization bill will most likely not be finally considered until the first of the year, and that will give us an opportunity to have the material.

Mr. BARTLETT. I think the Chair is correct, accepting it for our files is the appropriate way.

If the Chairman would allow one additional question of Dr. McNulty, would you—rather than an ad hoc solution, do you need any reauthorization of a permanent solution to the small State minimum, and do you believe that your educational agencies who would have their funding decreased slightly as a result of the increased minimum, do you think that they would also concur with the increase in the administration?

Dr. MCNULTY. I think they really would. I think you would find unanimous support amongst the States for that.

Mr. BARTLETT. Among the local educational agencies within the States?

Dr. MCNULTY. Yes.

Mr. BARTLETT. Thank you, Mr. Chairman.

Mr. WILLIAMS. Thank you.

[Committee insert follows:]

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COMMITTEE ON EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES
617 HOUSE OFFICE BUILDING ANNEX #1
WASHINGTON, DC 20515

SUBCOMMITTEE ON SELECT EDUCATION

October 31, 1985

Carl Dunst, Ph.D.
Director, Family, Infant and Preschool Programs
Western Carolina Center
Morgantown, North Carolina 28655

Dear Dr. Dunst:

Thank you for taking the time to present testimony before the Subcommittee on Select Education regarding the reauthorization of the Education of the Handicapped Act. Your testimony was extremely helpful.

Because of the number of witnesses testifying at the hearing, I was unable to ask several questions that are of interest to me. I would appreciate it if you would answer the questions set out below. The hearing record will be open until November 15 to include your responses to these additional questions.

1.) What changes would you make in the existing law to facilitate the expansion of preschool programs in the various states and localities?

2.) Please share with the Subcommittee the level of detail you would like to see in the legislation regarding the components of the comprehensive state plan.

Best regards.

Sincerely,

Pat Williams

STATE OF NORTH CAROLINA
DEPARTMENT OF HUMAN RESOURCES
DIVISION OF MENTAL HEALTH SERVICES

WESTERN CAROLINA CENTER
ENOLA ROAD
MORGANTON, N.C. 28655

J. IVERSON RIDDLE, M.D.
Director

November 12, 1985

Mr. Pat Williams, Chairman
Committee on Education and Labor
Subcommittee on Select Education
U.S. House of Representatives
617 House Office Building, Annex #1
Washington, D.C. 20515

Dear Mr. Williams:

Per your request, I am submitting the following information in response to the questions in your letter of October 31, 1985 regarding reauthorization of the Education of the Handicapped Act.

1. Changes in the existing law to facilitate expansion of preschool programs in the various states and localities.

Expansion of preschool programs could be accomplished at both the Federal and State levels with authorizations that both stipulate the nature of allocations of existing resources and provide additional incentives to establish preschool programs at the local levels.

(A) As I indicated in both my written and oral testimony, allocation of federal support for more Outreach Projects rather than Demonstration Projects will almost certainly increase the number of children that are served as the Littlejohn Report found. If at least three quarters of the combined demonstration/outreach funding were allocated to outreach efforts, more than four times the number of children currently being served through federal projects could receive preschool services.

(B) If states are to be motivated to increase their efforts at the preschool level, the amount of incentive funds provided as part of the Preschool Incentive Program will need to be increased. The current level of funding simply is not adequate in terms of the benefits to be reaped from efforts to establish preschool services.

(C) Many preschool special education and early intervention programs in our country are operated by public agencies and nonprofit organizations other than the public schools. These programs already have the organizational capacity to expand provision of services. A statement in the law that permitted other than public school programs to submit preschool program plans for state funding (to the extent that the intents of the law were met) would provide a major means for increasing the number of preschool programs.

2. Level of detail in the legislation regarding the components of a comprehensive state plan.

The specific components that I feel need to be added or expanded upon are the following:

(A) I think it is imperative, if state plans are to be effective, that a statement be added that explicitly states that a comprehensive service delivery system includes a "a plan that takes a family systems approach which identifies and meets the needs of both the child and family either through provision or mediation of services in order to meet educational, social, psychological, financial, and physical needs."

(B) Component (b)(2) of the state plan, which describes the assessment and diagnosis requirements, might be expanded to include a statement to the effect that "assessment of both child and family occur and that the assessment process focus on identification of child and family needs and strategies to meet these needs." There is a tendency for assessment to be deficit and diagnosis oriented with minimal efforts directed toward assessment for intervention purposes.

(C) A component might be added that states that "family level needs and methods to meet these needs should be addressed as part of the state plan." So often, families are overlooked as part of service-delivery systems or the assumption is made about the needs of families without explicit effects in these areas.

(D) A component could be added which states that "as part of the implementation of a state plan, there be an individualized child and family plan developed for each family that is used as a basis to ensure that needs are met." To the extent that services are matched to needs rather than having children and families fit service delivery systems, the probability of a program being successful will be enhanced considerably.

(E) The component for parent involvement (b)(5) might be expanded to reflect the fact that "high quality programs involve parents in _all_ aspects of program development and implementation, and provide or mediate a wide range of parent involvement activities that ensure that family needs are met."

(F) Finally, it would be helpful to add a statement that notes that the "preschool years represent a unique period of development, and which states that plans should reflect this uniqueness in the planning, development, implementation of a comprehensive services delivery system."

I hope you find these additional comments useful. Should you need any other information, please feel free to contact me at any time.

Sincerely,

Carl J. Dunst, Ph.D.
Director
Family, Infant & Preschool Program

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COMMITTEE ON EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES
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SUBCOMMITTEE ON SELECT EDUCATION

October 31, 1985

Eugene Edgar, Ph.D.
Professor
University of Washington
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Seattle, Washington 98915

Dear Dr. Edgar:

Thank you for taking the time to present testimony before the Subcommittee on Select Education regarding the reauthorization of the Education of the Handicapped Act. Your testimony was extremely helpful.

Because of the number of witnesses testifying at the hearing, I was unable to ask several questions that are of interest to me. I would appreciate it if you would answer the questions set out below. The hearing record will be open until November 15 to include your responses to these additional questions.

1.) Do you have any statistics or anecdotal information regarding the number or percentage of functionally illiterate adults who have learning disabilities or mild retardation?

2.) When should a transition program begin? Is it appropriate to include transition objectives in the IEPs of some elementary aged children?

3.) You have testified about some of the positive impacts of the Administration's transitional services initiative. Do you have any questions or concerns about its conceptual bases or the manner in which it is being implemented?

4.) To what extent is the problem of providing transition services hampered by ego or turf problems with one agency or group of specialists refusing to work with others?

Best regards.

Sincerely,

Pat Williams

UNIVERSITY OF WASHINGTON
SEATTLE, WASHINGTON 98195

November 8, 1985

Child Development & Mental Retardation Center
Experimental Education Unit, WJ-10

Honorable Pat Williams
Subcommittee on Select Education
Committee on Education and Labor
U.S. House of Representatives
617 House Office Building   Annex #1
Washington, D.C.   20515

Dear Pat:

Enclosed are my responses to your questions of October 31, 1985 concerning my testimony regarding the reauthorization of the Education for the Handicapped Act. I want to express my appreciation to you for allowing me to express my views.

Sincerely,

Gene

Eugene Edgar
Professor
College of Education
University of Washington

Telephone: (206) 543-4011

1) Statistics regarding the number of functionally illiterate adults who have learning disabilities or mild retardation.

I have no numbers concerning this question. My guess is that the great majority of illiterate adults who were living in the United States during their school years could be classified as learning disabled. Only a guess.

2) When should a transition program begin? Should elementary aged have transition objectives on their IEPs?

I believe the goals for all students in special education should be geared toward functional skills and improved quality of life AFTER they leave school. The focus is elementary school should be an acquisition of basic skills (reading, writing, arithmetic) and inclusion in the mainstream as much as possible. I also believe the notions of career education should be included in the elementary curriculum of all children, including those in special education.

Now a problem arises for the moderately and severely handicapped in elementary school because a basic skills curriculum (or a developmental curriculum) is probably not appropriate (they seldom learn these skills). So at some time in the school life of these students a decision must be made to remove them from the basic curriculum and place them in a functional skills curriculum (the bad word for this is tracking). This is a hard decision to make but must be made -- sooner rather than later. For me, the decision is the transition to life objective.

One last thought. The planning for transition (e.g. where the student will work, which agencies will be involved in post school activities, etc.) in reality can only take place close to the time of actual transition (e.g. age 16 or so).

3) Administration's Transitional Services Initiatives

In general I'm pleased with the overall emphasis on transition as well as the general procedures. As with all Federal initiatives which do not include funding assistance at the local level there is the standard complaint of "good idea but give us the money to do it." Not being a local administrator it is easy for me to say..."find a way because it is the right thing to do."

3) Ego-turf problems among professionals.

There are ALWAYS ego problems and finger pointing about how "others ought to behave." When multiple agencies are involved thereare even more problems. I've enclosed a manuscript we have prepared on the topic. In general my beliefs are very Zen like...ego and turf issues are...they exist. No amount of complaining will make them go away. So rather than bemoan the fact, let's get on with working our way through the maze. I believe that people who really care about making the system work for persons with disabilities can make a difference.

Maneuvering Through the Maze: Transition Planning for Human Service Agency Clients

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Abstract

Moving from a program in one agency to a program in another agency is a certainty in the lives of people with special needs. This article examines the critical issue of interagency transitions for human service clients. Transition is defined in the context of educational and other human services. Six important issues facing clients and agencies are discussed. Suggestions for improving transitions for clients and the agencies that serve them are presented.

Maneuvering Through the Maze: Transition Planning for Human Service Agency Clients

There are few scientific principles that govern the field of human service delivery. The complex and variable nature of health, education, and social service systems impedes the ability of policy analysts to conduct controlled experiments, accurately describe relationships, or abstract principles that govern the interrelationships of these systems. However, there is a class of events that occurs with such regularity for beneficiaries of human services that they can be called "givens." This class of events is the "transition" or movement of clients from one agency to another as a function of income, age, or change in status. Client transitions are usually based upon the systems' needs, not their own.

As naive investigators in the area of interagency collaboration, we stumbled onto the problems inherent in transition while searching for a way to improve access to needed services for special education students. We were seeking a way to match student needs and characteristics to the universe of educationally related services, with the schools designated as the single point of entry. These educationally related services include functions that have not traditionally been provided by the schools -- e.g., physical therapy, occupational therapy, parent education, intermittent catheterization. Through interagency collaboration, schools could link students with needed services offered or paid for by different agencies. Within the single point of entry concept an Individualized Education Program could be fulfilled through the combined resources of any number of human service agencies, with one agency, the schools, acting as traffic manager.

Although we never did find the single entry point, we found the "given" of transition, which is probably the most troublesome interagency issue for service providers. Client transition is a point in service delivery when schools and other agencies need to work together productively, yet historically it has been a time of serious problems. The old buzz words "interagency collaboration" have lacked clear objectives. Planning for the movement of clients between agencies, however, has emerged as a critical, action-oriented objective for interagency collaboration.

Why Do Clients Make Transition Between Agencies?

A number of factors force handicapped people and their families through transitions in the human service maze. As noted, these factors relate to "the system," not to the needs of clients. They result from an organizational approach that dissects clients into service pieces that can be paired with an agency or service provider.

The myth of the overall plan. Perhaps the most important factor is the absence of an overall plan for coordinating available services. We thought there was such a plan. As educators, we were most familiar with the range of educational services, but we at least knew that there are "other" services used by handicapped people (e.g., Mental Health, Vocational Rehabilitation, Medicaid). We assumed that somewhere (probably in an office in D.C.) there was someone (probably a bureau chief--whatever that is) who knew how the pieces of this vast system puzzle fit together. Undoubtedly, there was a wall chart somewhere which depicted this "integrated system." We were wrong.

Human service programs have developed haphazardly. Out of the concern of lawmakers, community leaders, and special interest groups driven by a vocal constituency or by observed need, programs have been created to respond to needs for health, education, and social services. In most instances the programs were developed for a specific clientele (e.g., Women, Infants and Children - WIC, a food supplement program for pregnant women and their infants; Crippled Children's Services, a rehabilitation program for children with crippling conditions but not mental retardation alone).

Eligibility criteria. Almost all human service programs have a target population to whom they provide service. One bureaucratic outcome of this designation is the establishment of eligibility criteria to limit the clientele who may receive the services. So a corollary (if not a principle) of human service programs is: criteria are applied which divide clients and their needs among many agencies (federal, state, and local) that administer human service programs.

Changing client characteristics. Most agencies have definite entrance-exit criteria which are often fixed by age (e.g., schools are for people from birth or age 3 through age 21 or 25 years), income level (welfare), geography, or combinations of the above (e.g., Head Start - age and income). Aging, income fluctuations, and changing residence are factors that force clients to make transitions between agencies.

Service locations. Various types of services are accessible only in specific locations; school buildings are places where people receive education. Neuromuscular centers are places where people receive physical therapy. Mental health centers are places where people receive counseling. The rule is: the client goes to the services (the service seldom goes to the client). Thus, client movement in, between, and around services is a prerequisite to receiving a service.

Describing Transition

As defined by Madeleine Will, Assistant Secretary for Special Education and Rehabilitative Services (U.S. Department of Education), transition for graduating special education students involves preparation in the secondary schools, support at the point of leaving school, and secure opportunities and services as needed in adult life. This definition identifies three important transition elements: the sending agency, the actual "hand-off" process and the receiving agency. When translated into more general terms, the definition can apply to any type of client or student transition. Each of the three elements can be the focus of efforts to improve the movement of clients from one program to another.

The Sending Agency

The sending agency has primary responsibility for the student before transition. In the case of graduating special education students, the schools are the sending agency. When young handicapped children move from infant early intervention programs into public school programs, the early intervention agency is the sending agency. The sending agency can improve transitions by modifying the programs or treatments offered so that clients are better prepared for the new placements. For graduating special education students, this might mean adapting the high school vocational curriculum to reflect the needs of the labor market. For incarcerated youth, the behavioral expectations for students in institution schools might be changed to be more like those in community schools.

The Receiving Agency

A receiving agency will take over primary service responsibility for a client from another agency. The schools are a receiving agency for young handicapped children who are moving from early intervention services. The schools also receive paroled youth from institution schools. Receiving agencies can improve transition for clients by modifying programs and services to build upon the client's previous program. For example, the array of post-school vocational programs can be expanded to include options that promote community integration. Local public schools can offer alternative programs and flexible scheduling for paroled youth who have a history of failure in traditional programs. Frequently, agencies serve as both receivers and senders.

The Hand-off

The "hand-off" involves the process and procedures that are used to move the student or client from one agency to another. Hand-off includes planning for the new placement, communicating with parents, exchanging records, choosing a new placement, and many other activities associated with the transfer of clients. Planning and accomplishing an effective hand-off may begin 2 or 3 years before the actual student transfer. In most cases the hand-off is a no-man's land. Because it is not the clear responsibility of either the sending or receiving agency, there are usually no systematic efforts to deal with critical hand-off issues.

The hand-off is the bridge between services. However, effective transitions should be equated with more than the bridge itself; it is not a static, frozen moment. It requires planning on both sides beforehand and systematic communication after the immediate transfer has occurred.

The hand-off of clients from one agency to another is a critical moment in transition. The absence of effective hand-off procedures can negate the effects of exemplary services on either side of the process. Agreement between both agencies regarding when and how placement decisions will be made, how records will be transferred, or what type of follow-up communication is needed are critical to effective transitions.

Fortunately, the hand-off is the easiest element to change or improve in transition services if both sending and receiving agencies are willing to meet and agree on a process. Simple, low-cost procedures can be used to ensure that important information about clients is exchanged, that clients are referred to appropriate services, and that parents are involved in important decisions.

Cautionary Notes

Organizational barriers. Human service agencies have evolved complex organizational patterns which are NOT consistent across agencies. Geographic areas are not coterminous. Application procedures differ significantly. Planning cycles vary according to the federal fiscal year, the state fiscal year, and the calendar year.

Ownership and turf. Territorial issues are a common feature of human service programs. It is not unusual for agency staff to develop feelings of ownership of their services, their procedures, their definitions. These details of service provision become closely guarded, protected against change that is not in response to internal directives. The details of these procedures are not readily shared with outsiders. Thus, in order to prevent the loss of turf or threats to ownership, agencies develop complex rules and regulations which are not easily learned by potential consumers or by other agencies.

Vertical v. horizontal communication. People in agencies typically communicate better internally than externally. It is much easier to go to a superior or a subordinate with a problem than it is to cross agency boundaries and speak to a counterpart in a different agency. Horizontal communication--that is, communication among counterparts in different agencies--is inhibited by a number of factors. Because organizational structures vary, it is difficult to know what role holder to call in another agency. The right name and phone number are difficult to find. Professionals face the same problems parents do in trying to make productive contacts with human service providers. Agency policies also inhibit horizontal communication. Permission to cross agency boundaries may be required from both agencies. On the other hand, vertical communication -- going up or down within one's own agency -- is much easier. Vertical communication, however, is not very effective in solving interagency problems.

Effecting change. Sending and receiving agencies can make only some changes in the transition process. The changes that they can make are in their immediate programs or in the hand-off process. Staff of one agency cannot change the quality, approach, or variety of services offered in another system or agency. Nonetheless, there is a high rate of "talk" about the need to change the other agency to effect a better transition. Senders point the finger at receivers. Receivers return the criticisms. These efforts are wasted.

Six Hand-Off Issues

Scores of agencies over the past 4 years have helped us to identify six important issues in the hand-off process. These issues can be easily addressed and their solutions are elegantly simple.

1. Awareness. Sending and receiving agencies need to know about one another's programs. Providers are part of a complex system of services that our clients use serially and concurrently. Our clients' transitions will be greatly improved if we know what our companion agencies are doing. What services are offered? What are the staffing and facilities like? What is the philosophical approach? What type of program planning is used (IEP, IWRP, ISP)? In rural areas there may be only one or two agencies to investigate. In more densely populated, service-rich areas, there will be systems of agencies to investigate. On-site visits, inservice training, and written materials can be exchanged in order to promote awareness among programs.

2. Eligibility criteria. Planning for new placements requires considering several possible destinations. Sending agencies need to have a rough understanding of eligibility criteria to make valid and realistic referrals. For instance, it would be foolish for schools to refer all of their special education graduates to an agency with an IQ cut-off of 70 when only 20 percent of special education students have IQ scores below 70. Certainly, staff of one agency cannot be expected to make eligibility determinations for another agency. Yet having a working knowledge of eligibility criteria of other programs in the community will greatly improve the sending agency staff's ability to identify realistic options.

3. Exchange of information. In order to prepare for new clients before their arrival, receiving agencies need information about them. Names, service needs and history, and assessment results can be exchanged between agencies with parent permission. Exchanging this information before the transition can help to guarantee that the client is indeed eligible for referral to the receiving agency, allow the receiving agency to plan for the client, and ensure that information about the client which was gleaned in the previous

placement can be put to use in the next environment. In ongoing consultation with receiving agencies, sending agency staff can identify criteria to be used in the future for selecting students about whom information should be exchanged.

4. Program planning before transition. Assuming that every client or student has a service history and a service future helps agencies to make transition planning a routine rather than random event. Preplacement planning can be accomplished jointly by sending and receiving agencies before transition, thus preventing a gap in service and promoting continuity. Piggybacking on an existing planning process is a convenient preplacement strategy: for instance, when schools are the sending agency, receiving agency staff can attend the client's IEP meeting. Most other agencies have a similar process that can be modified for joint planning.

5. Feedback after transition. Receiving feedback about what has happened to a former student or client serves many purposes for the sending agency. Information on client outcomes in new environments provides important data for program evaluation and alteration. If a school staff discovered that none of their special education graduates found employment, they might want to re-evaluate their employment preparation programs. Teachers in corrections institution schools often need to know what happens to their former clients, but usually the only students they know about are those who reoffend and are resentenced to the institution. Follow-up information can be collected in a number of ways. Schools can survey former students or their parents by telephone or mail. Parole counselors can provide feedback to institution schools.

6. Written Procedures. Formal procedures are needed to ensure that important transition hand-off activities take place. Even single events such

as an exchange of pertinent information between agencies need to be systematized lest they be neglected. Part of this process is documentation. Formal written procedures improve client transitions into new services in a number of ways. First, when procedures are codified, they are not easily overlooked or forgotten. A particular staff member may know the procedures well, but when this person leaves the agency the procedures are lost. Written procedures are easier to evaluate and modify. In addition, written procedures document responsibilities and provide a vehicle for negotiations between agencies.

Conclusions

The six hand-off issues discussed above can be addressed by agency staffs and incorporated into their procedures without extra help, money, or resources. Procedures for client transfers can be built into routine staff activities without additional personnel. In our fieldtests of transition hand-off procedures, cost data indicated that agencies do not incur significant additional costs. That is, new staff do not have to be hired to conduct the activities. The initial investment of staff time in establishing transition hand-off procedures is of course greater than the costs of continuing the procedures once they are in place.

If formal planning concerning transition of clients is not valued by the agencies involved, planning will not occur. Likewise, if planning for important transition hand-off events does not occur, the transfer will be sloppy and critical steps will not be accomplished. For example, the transfer of student records is a universal problem between and even within agencies. It is not uncommon for service providers to marvel at their inability to accomplish such a simple task as records transfer. Yet, if there is no planning for records exchange, the records will most assuredly not be transferred. Agreement must be reached on what will be transferred, who will actually send and receive the records, when they will be sent, and how the exchange will be documented.

We have found that the bottom line with regard to effective transitions is that transition planning must be valued by decision makers. Administrators need first to recognize the problems and the consequences of not solving them. Second, they must make a commitment to doing something about the problems. The current national interest in post-school transition for special education students offers hope that some of the procedural problems will be addressed. However, in the absence of assigned responsibility for transitional services, we must rely on the commitment of agency managers to ensure planned transitions. Until responsibility for transitional services is officially assumed by sending and receiving agencies, individual managers will have to initiate communication and planning with other agencies that are part of the system of services--the maze in which clients must navigate.

References

Will, M. (1984). Bridges from school to working life. Programs for the Handicapped, 2, 1-5.

Mr. **Williams**. I would ask our second panel to come forward, Mr. Sales, Mr. Abramson, and Dr. Stephens.

Dr. Scales is assistant director of the Counseling Center and director of Disabled Student Services at the University of Maryland; Mr. Abramson is a student at American University here in Washington; and Dr. Stephens is Director of the Department of Defense Dependent Schools.

Dr. Scales, pleased to see you today, and we will begin with you.

STATEMENTS OF WILLIAM R. SCALES, Ph.D., ASSISTANT DIRECTOR, COUNSELING CENTER AND DIRECTOR, DISABLED STUDENT SERVICES, UNIVERSITY OF MARYLAND; ANDREW ABRAMSON, STUDENT, THE AMERICAN UNIVERSITY, WASHINGTON, DC; AND BETH STEPHENS, Ph.D., DIRECTOR, DEPARTMENT OF DEFENSE DEPENDENT SCHOOLS; A PANEL

Mr. **Scales**. Thank you very much, Mr. Chairman and members of the committee.

I have been asked to share my views with you on some of the current and future problems affecting handicapped youth and adults in postsecondary education.

I would like at this time to ask if the record could be kept open for some extended period of time for me to submit more written testimony at a later time?

Mr. **Williams**. How long are you requesting?

Mr. **Scales**. I would say maybe 2 to 3 weeks.

Mr. **Williams**. Yes, we will accept your testimony.

Mr. **Scales**. Thank you.

I would like to begin my testimony by expressing my appreciation for being given this opportunity. I feel that I am especially well qualified to speak in this area for several reasons.

First of all, I have been a disabled person myself for over 30 years, and in that time have attended three different postsecondary institutions as a disabled student. I have also been a service provider at two different higher educational institutions. So, based upon those experiences, I think I have some idea of what the major problems are, from two sides.

I am currently the director of Disabled Student Services at the University of Maryland, and assistant director of the Counseling Center. In addition to that I have been the immediate past president of a coalition of colleges and universities here in the Greater Washington area that was made up of directors of disabled student programs in those colleges. That represented about 40 different institutions in the immediate area. I am also a cochairman of the Legislative Committee of the National Association of Directors of Disabled Student Programs, which currently has over 600 higher educational institutions represented in its membership. Thus, I feel that I have contact with many other colleagues in postsecondary institutions that are dealing with some of these problems.

Certainly, when I look back over the 30 years that I have—as a disabled person, I have seen tremendous changes and tremendous improvements in the educational opportunities for people with disabilities, at all levels of education.

Back at the time when I first started college in the late 1950's there were absolutely no facilities, no programs, nothing. I had to build my class schedule around following the athletes around in the school in order to make sure that I would have people that could carry me up three and four flights of stairs to get to my classes, which is, needless to say, a little bit demeaning. But nevertheless, that was the only way to get it done in those days.

We certainly have come a long, long way from that time. Back at that time also, one had to plan many of their day's activities around such simple things as going to the bathroom, because you couldn't expect to find an accessible bathroom. So you had to schedule your life around those kinds of activities.

Thank goodness, we have come a long way from that point today. I think we still have a long, long way to go, however, and that is what I am here to talk about today.

There are a number of particular problems that I think the disabled individual and their family faces in trying to make the transition from the secondary school into the postsecondary setting, whether that be college, technical school, or whatever.

The first of those that I would like to address is that of some transitional problems that I am aware of.

When I think about the disabled person out in that community and they are getting ready to leave the secondary school and start to move toward some kind of postsecondary experience, the first and greatest barrier that they are facing right away is to try to find out where is a postsecondary program that can accommodate my particular needs that are related to my disability and also that has the kind of program and the kind of training or education that I am seeking, because they don't always go hand in hand, unfortunately. There is a lack of really good, accurate information in this area, about what is available in the postsecondary level for support services for the different types of disability.

The National Clearinghouse on Postsecondary Education for Handicapped Individuals, the HEATH Resource Center, has made a valiant effort, I believe, in trying to gather that kind of information and make it available. But even for them to do that, the diversity has been so great that it is really impossible to have accurate information and up to date information all the time.

The HEATH office, I think, does a good job of helping parents and disabled people know what kinds of questions to ask when they are looking for institutions and looking for programs, and to know what kind of services are really generally successful. But in terms of being able to tell them exactly where they can find those, it is an awesome task for a parent to try to find that appropriate institution for their particular son or daughter.

There is a need for some basic minimal standards of programming that every postsecondary institution should have to meet in the area of special student services. At the present time the diversity from one institution to another, even within the same class of institutions, the diversity of the programs and the support services that are available is unbelievable. And there are very few minimal standards that everybody ought to have to meet.

I have just spent a couple of years on a special commission, educational commission, and one of our tasks was to develop minimal standards for postsecondary institutions, particularly in the area of all support services.

Disabled student programming was one of those areas, and we did begin to try to develop some minimal kinds of standards. It was a big task, because you don't want to write standards that are so strict that it is going to wipe half the higher educational institutions out and yet they can't be so weak that they don't mean anything. We do need to have some kinds of standards of that kind adopted and established that every institution must meet.

We still receive at the University of Maryland—in my office alone—two to three calls a week from families in various areas of the country who are searching for a postsecondary institution that can provide the special services for their son or daughter. We are one school and if we are getting that many calls, I am sure there must be many, many more.

Another area that I would like to address is the difficulty in finding the appropriate accommodations. Once you find an institution, then trying to find one that can accommodate you in the various areas where accommodation is necessary.

The accommodations break down into several things. Classroom accommodations. Again we find a wide, wide disparity from one institution to another in terms of what kind of classroom accommodations they are willing to offer the disabled person attending that institution.

For an example, you might have a blind student who is going to attend one particular university and they may be allowed to tape record an essay exam and turn it in in that manner, whereas another institution would not allow that. Some institutions might allow the person to tape record the lectures, where others will not. So, there is just no real consistency from one institution to the other.

There are problems in the areas of curriculum accommodations, as well, in addition to classroom accommodations. There is no specific standard that says that any university should make adjustments in the curriculum for those individuals who absolutely cannot, for one reason or another, complete a certain phase of the curriculum. I give another example here. If you have a deaf student attending an institution of higher education, for that particular individual the English language is already a second language. Sign language is the first. To expect that person then to be able to complete 9 to 12 hours of a third language it seems to me is asking for a considerable, and I am told that the main reason that language is required in so many areas is that it is simply one way to really learn to understand the culture.

It seems to me that you could understand a culture by studying other aspects, other than just the language, and for the deaf person, they could study something like the history, the art or the music of that culture and get just as good an understanding as to make it be specifically the language. Yet, these are the kinds of battles that the disabled individual has to constantly fight at the postsecondary level.

Another problem in the area of curriculum accommodation is that of getting some extended time in which to complete a course of study. Most colleges and universities have a specific time period at which you can pursue a certain degree. Well, most disabled people simply cannot and do not complete the education at the same time that everyone else does. So, there needs to be some flexibility in terms of the additional time you are given to complete a program as well as to complete specific work assignments.

Institutions do not serve all disability types equally. That is another thing that you find. If you are a disabled person or you have a child that has a learning disability, you may find one institution that has excellent services for the deaf or for the visually impaired but have absolutely nothing for your child who is learning disabled or mobility impaired. Again, there are pockets of places where certain disability groups are served very well, others are not addressed at all.

There is a great disparity also in trying to identify which institutions have the kind of technical equipment that is going to be essential to that person accessing the programs. Some institutions may have closed circuit devices, television devices that will enlarge the print as much as 60 times. You could take a normal page of print, put it under the viewer, it will blow it up on a monitor, and so a person with even 1 or 2 percent vision can sit at that monitor and read much of their own material, read their own exams, be very independent in doing their own work. Not all institutions have that equipment. Some do, some don't.

Some institutions might have devices that will read the printed word to the spoken word. Again, the paper is laid on a little thing that goes by that reads the print and converts it literally from the written word to the spoken word.

So, a student can go to a library where that piece of equipment is available and do his own research independently in the library. He can tape record the stuff that he wants out of there, and that is a great boon to someone that has that. But if you go to another school and that isn't available, you are really going to be penalized considerably.

Probably the most critical area that I find is that in the area of financial aid. Most financial aid, and particularly Federal financial aid, is established with a criteria that says you must carry a certain number of credit hours in order to be eligible to receive that financial aid.

In most situations that is 12 credit hours. Many disabled people cannot carry 12 credit hours and do it successfully to the point of maintaining a 2.0 grade point average. Therefore, they are penalized and the financial aid is really not available to them. If they could be considered on a full time load with 9 hours or 6 hours and still qualify for the financial aid, that would be a tremendous boon to them.

There are very few scholarships or grants available that are specifically for the disabled. At the same time that there is less and less financial aid available to the disabled person, the costs of that person attending the postsecondary institution are consistently greater.

They have the cost of such things as special equipment, wheelchairs, crutches, tape recorders, personal care attendance. All of those things cost money. At the same time there is less money available to them, the costs for them are much, much greater. So that the family and the student are in a double bind in the area of the financial support.

The other problem in the financial aid area that is really a critical one is who is responsible for paying for what kinds of services. You find great diversity again from one State to the other, one region to the other, one school to the other. In some institutions interpreting services for the deaf are paid for by the institution. In other areas the institution refuses flatly and in that case sometimes DDR picks it up, or sometimes the individual is expected to pay.

I know of several institutions right now that have established a fixed dollar amount that they will allow to be spent toward accommodations for a disabled person. If that person's needs extend beyond that specified amount, it is up to them to find other resources or to pay for it themselves. There is great inequity in the area of financial support for disabled people at the postsecondary level and tremendous need in this area.

The last area that I would like to address is that of physical access. I said earlier that we have come a long, long way, and we really, truly have. But it seems very sad to me that the—the removal of the physical barriers was one of the first things that was addressed in the Federal legislation under the Rehabilitation Act of 1973, and the deadline under that legislation in which all institutions were to have made efforts to remove those architectural barriers has long passed, and yet we have many institutions who have done absolutely nothing in this area.

We are some institutions that are still in the process. But I think it is easy for us to get into the position of feeling that the physical access problems have been resolved and they no longer need to be addressed, and I am afraid that is certainly not true at all.

It seems to me that in this area there needs to be continued incentives of one kind or another, either financial incentives or regulatory, or both, to continue to work toward architectural accessibility for students on all college campuses.

These are but a few of the major problems facing the handicapped in higher education today. There are many more and that is the reason I would like to ask to be able to submit some additional testimony later on, to help to cover some of those other areas in much more detail.

One more thing I would like to do, and that is to say that we have a long way to go and we have a lot of problems, but by way of indicating that we are making some progress, I would like to share with you some very brief biographies of some of the students who graduated from the University of Maryland last year, who utilized special student services, just to give you an idea of what kinds of things could be going on if we had much greater support and much more equitable services available all across the country.

Mr. WILLIAMS. Mr. Scales, could we ask that you cover those in summary. Your time has expired and we want to stay fairly close to the agreed upon time limits.

Mr. SCALES. I am sorry. I didn't——

Mr. WILLIAMS. If you will complete your testimony with some brevity, we would appreciate it.

Mr. SCALES. I will. I can do that very quickly.

I would just like to share with you some examples of some of those students.

We have had one student who was a learning disabled student and utilized extended time for testing, extended time for examinations, graduated with a bachelor's degree in criminal psychology.

We had several other deaf students who graduated from the University of Maryland. One of them was getting a doctorate degree, another one getting a master's degree in library services.

We have had another student who graduated in business administration and is currently employed by an insurance firm. That person was a paraplegic in a wheelchair.

So, I just wanted to offer these as examples of the kinds of opportunities that need to be available to people and these kinds of successes could be happening on a much, much greater scale.

Thank you.

[The prepared statement of Dr. William R. Scales follows:]

PREPARED STATEMENT OF DR. WILLIAM R. SCALES

Mr. Chairman, members of the committee, I have been asked to share my views on current and future problems affecting handicapped youth and adults in postsecondary education programs.

I would like to begin my testimony by expressing my appreciation for being given the opportunity to present what I feel are some of the major problems facing handicapped individuals and their families in their quest for a postsecondary education. I feel I am especially qualified to address these issues since I have been disabled myself for over 30 years and have experienced the problems involved with postsecondary education and the handicapped from two perspectives—consumer and service provider.

I am currently Director of Disabled Student Services and Assistant Director of the Counseling Center at the University of Maryland, College Park. In addition, I am immediate past president of the Nation's Capital Area Disabled Student Services Coalition, a regional unit of the National Association on Handicapped Student Service Programs in Postsecondary Education for which I serve as Legislative Co-Chairperson. Thus, I represent over 600 colleagues who direct, coordinate, and provide support services to handicapped students on American campuses.

Certainly when I look back over the last 30 years, we as a society have come a long way in our efforts to make all levels of education available to the handicapped in the most integrated and least restrictive way possible. Annual studies of American college freshmen show that handicapped students on campus have grown from 2.7 percent in 1978 (the first year that a question was asked about disabililty) to 7.3 percent in 1984. However, I intend to address today some of the more critical problem areas which continue to face the handicapped in postsecondary education. These include: transition from secondary school to postsecondary education; locating appropriate accommodations after high school; financing higher education; and physical access of postsecondary institutions.

TRANSITION

The first area I wish to address is the area of transition from secondary school to college or other postsecondary education. If disabled students who have received educational support under 94-142 are to realize the full benefit of that support, the transition to postsecondary education must be improved. Among the transitional problems to be faced by the handicapped person is that of trying to select the appropriate postsecondary institution to meet their specific needs. They must try to find the institution that has the type and degree of support services they need to access the programs as well as one that offers the academic or technical education they wish to pursue. This is a difficult and time consuming task due to a lack of dependable information on support services available, admissions critria, and cost of special services.

The National Clearinghouse on Postsecondary Education for Handicapped Individuals (HEATH Resource Center), currently provides information about the types of services which can be available and examples of adaptations which are successful in providing access to various types of disabled persons so that individuals attempting to select a postsecondary school can ask the appropriate questions of schools under consideration. However, the diversity of American higher educational institutions makes determining the best institution for a particular handicapped person a cumbersome process.

There is a need for some basic standards of program provision with which all postsecondary institutions must comply. At the present time there is little consistency in what services are provided and for what segment of the disabled community from one institution to another.

There is also a need for secondary school staff and vocational rehabilitation staff to be better informed of the various postsecondary institutions and the wide diversity that exists in their support programs. At the present time the Disabled Student Services Office at the University of Maryland receives, on the average, 2–3 calls a week from disabled individuals or their families seeking information on appropriate postsecondary programs.

APPROPRIATE ACCOMMODATIONS

The next area I would like to address is that of locating appropriate accommodations for disabled students. The accommodations problems break down into several areas.

First of all there is the problem of being able to receive the appropriate classroom accomodation. Not all institutions, and not all faculty are willing to give accommodations such as extended time on exams or assignments for those individuals who require additional time to complete the required amount of work. Not all institutions are willing to offer alternate testing formats. For example, in some institutions a blind student may be allowed to do an essay exam on a tape recorder while in other institutions they are not. Some institutions are still reluctant to allow students to tape record lectures because of copyright concerns. Not all institutions are willing to allow interpreters into the classroom nor can they accommodate them in the classrom situation. Some faculty are still unwilling to make alterations in their teaching style, such as being willing to verbalize what they are writing on the blackboard for the benefit of the visually impaired or blind student who is attending their class.

There are problems in the area of curriculum accommodation. Many institutions are still unwilling to substitute certain courses or waive certain course requirements for individuals whose disability makes it impossible to manage that particular course. As an example, you might have a hearing impaired student for whom the English language is already a second language (sign language is the first). To expect them to be able to master a third language, much of which is based on having a thorough understanding of English, is really unreasonable. The primary reasoin for learning a foreign language is the first place, I am told, is to gain an understanding of the culture. There ought to be other ways to understand the culture than just the language. Study the art, history, or music. But many institutions are unwilling to make these substitutions.

Another problem in the curriculum accommodations is that of getting extended time to complete degree requirements or even course assignments. Not all institutions are willing to make these adjustments.

Institutions do not serve all disability types equally. This is another problem faced by disabled students, parents, and counselors looking for the best postsecondary institution. Some institutions may provide services for the visually impaired or the deaf to a great degree, but they may be totally inaccessible for a person in a wheelchair or using crutches. There is also difficulty with locating adapted equipment. The quality of the availability of adapted equipment from one institution to another is a problem.

Many times that equipment is essential to the handicapped persons' being able to succeed. Some institutions have closed circuit television devices that will enlarge the print of a book or typed page as much as 60 times so that a person with low vision can do their own reading and access their own exams without assistance. Many institutions do not have that equipment. Some institutions have reading machines which convert the printed word to the spoken word, others do not. So there is a great diversity again of what is available from one institution to another.

FINANCIAL AID

The next area I will address and one that is probably the most crucial of all to a disabled individual is that of financial aid to help meet the cost of higher education. Strangely enough the eligibility requirements for Federal Financial Aid are contrary to the very need for persons with special considerations. Many institutions and most financial aid programs require a student to carry 12 credit hours to be eligible for the financial aid. For many students with severe physical limitations 12 credits is more than they can possibly manage. They would be carrying a full time load if they had 9 or in some cases 6 credits. If they cannot meet the 12 credit requirement, they are penalized. At the same time, they are very few scholarships or grants available specifically for disabled individuals. There is also a problem of what constitutes successful academic progress. On most campuses you must complete a certain number of credit hours in a given semester or you are considered to be falling behind in classification status and thus become ineligible for the financial aid you might have had to begin with. At the same time that there is less financial aid available to the disabled the costs are greater. The students and their families are facing a double edged sword. Additional costs that a disabled student has would be in the areas of personal equipment such as wheelchairs, crutches, general health maintenance, attendant care, and study aids. These are areas which are not provided by the institution and must be taken care of by the disabled individuals. The fact that the costs are greater while the availability of financial aid is less, undoubtedly has the greatest impact on preventing a larger number of disabled people from taking advantage of postsecondary education.

Another problem in the area of financial aid is who pays for what services. There is great diversity from one state to another, one region to another, and one institution to another in terms of who is going to pay for the support services such as readers, interpreters, and other aids.

In some cases the institution may pay for nearly everything, in other cases the student is expected to share in that expense. One institution may pay a fixed dollar amount toward support services and if the cost exceeds that amount the student is expected to pay or find some other resource. In some areas Vocational Rehabilitation Services are more willing to pay for auxiliary aids than in other areas. So again, there is great diversity and great lack of continuity from one geographic area to another in terms of the financial aid that may be available to an individual.

PHYSICAL ACCESS

The final area I will address is that of physical access problems. In spite of the fact that the deadline in the 504 Regulations which required that all institutions receiving federal support make their facilities accessible has long passed, there are still many institutions today who have done nothing while many are still in the process of removing architectural barriers. It seems difficult to believe that we are falling so very far behind in an area which was one of the first to be addressed. It seems to me that in this area institutions need to have some incentive, be that financial, regulatory, or both, to continue to work toward architectural accessibility.

These are but a few of the major problems facing the handicapped in higher education today. I respectfully request that the record be kept open for two or three more weeks to provide opportunity for the submission of more complete information.

Thank you for your time. I will be glad to entertain any questions.

WRITTEN TESTIMONY OF DR. WILLIAM SCALES, LEGISLATIVE CO-CHAIR, ASSOCIATION ON HANDICAPPED STUDENT SERVICE PROGRAMS IN POST-SECONDARY EDUCATION

INTRODUCTION

This adjunct to previously presented testimony is divided into four major sections: (1) a brief review of past federal involvement in programs/services for disabled students in higher education; (b) a description of the impact of Section 504 of the Rehabilitation Act of 1973 on educational opportunities for students with disabilities; (c) a review of the mission, goals and activities of the only national professional organization for educators serving this student constituency; and (d) a philosophic and practical discussion of the issues and concerns for the future of this population, including specific recommendations for the areas in which congressional influence may have positive impact on the development and expansion of services.

THE ROLE OF THE FEDERAL GOVERNMENT IN POST-SECONDARY EDUCATION FOR STUDENTS WITH DISABILITIES

Federal support of post-secondary education for students with disabilities can be traced back to the 1860's and the establishment of Gallaudet College. Funding for this specialized facility for deaf students was granted on an annual ad-hoc basis until the 1950's when the authorization legislation was amended to provide regular support. Aside from such early efforts to serve the hearing impaired population, federal support for handicapped students in higher education has been sporadic and limited until very recently.

In 1917, the Federal Board for Vocational Education was established under the Vocational Education Act. The following year, Massachusetts became the first state to enact a Vocational Rehabilitation Law, establishing an agency to carry out its mission. Other states followed this example, particularly in the years after World War I. Much of the rehabilitation emphasis was fostered by the implementation of PL:178 for veterans of the War. Such attention to rehabilitation of adults sometimes encompassed educational programming at the post-secondary level, although its emphasis tended to be related to direct preparation for work settings.

The years following World War II saw the establishment of the President's Committee on Employment of the Handicapped. While the major focus of this organization has traditionally been the world of work and the effective/efficient use of human resources, the Committee has always served in an advocacy role for a variety of disabled constituencies, including those individuals interested in pursuing post-secondary education.

The first programs established specifically for support of disabled students in higher education seem to have arisen during the mid-40's at the University of California-Los Angeles (UCLA), the City University of New York (CUNY), the University of Michigan and the University of Illinois. In the years that followed, individual schools established various types of support programs at schools with diverse demographic and geographic distribution. The programs ranged from mainstreamed education to homebound training, from programs for students with only one type of disability to programs for any student with a disability. Among these early programs (before 1959) were those at Wayne State University, Hofstra University, Hunter College, Boston University, Kansas State Teachers College (now Emporia State University), Southern Illinois University, University of Oklahoma, and Long Beach State College (now UC-Long Beach).

The year 1959 marked the establishment of a trial program at the University of Missouri, in Columbia, funded by the federal government through the Division of Vocational Rehabilitation. This was the first time that direct federal support was involved in programming for disabled students other than deaf students. This Research and Demonstration Grant included money for renovation (to eliminate architectural barriers) and support services for students with a wide variety of handicapping conditions. This was to be the precursor of an active decade of expanding federal involvement in post-secondary education for disabled students.

In 1961, the Vocational Rehabilitation Administration funded a Demonstration and

Research grant at Kansas State Teachers College. The purpose of the project was to present models for accommodation procedures. The project included a thorough survey of more than 1000 institutions of higher education regarding their ability and willingness to serve disabled students; the study concluded that there were limited opportunities for such students available at that time. The Vocational Education Act of 1963, Section 110 (as amended in 1976) provided the opportunity for community colleges and vocational/technical institutes to receive support for "special needs" students in vocational/technical programs. In 1965, Syracuse University hosted a conference for educators in the State of New York titled "Academic Advancement of Disabled Students;" this conference was supported, in part, by Vocational Rehabilitation funds. The Higher Education Act of 1965, as amended by Title VIII, Section 802, provided federal financial assistance to higher ecucation insitutions to allow them to pay for work experiences for disabled students through cooperative education programs. The year 1968 saw the passage of PL:89-36 and the establishment of the National Technical Institute for the Deaf. During the 60's, both the National Science Foundation and the Fund for Improvement of Post-Secondary Education provided monies for model projects for the post-secondary education of students with disabilities.

Federal attention to post-secondary education for disabled students reached its peak with the passage of the Rehabilitation Act of 1973 and its accompanying 504 Regulations (more about the impact of 504 is offered below). In other arenas, the 70's saw an increase in the numbers and types of programs receiving federal support. In 1970, the Office of Special Programs for Students from Disadvantaged Backgrounds expanded their definition of "disadvantaged" to include physically handicapped students, thus opening the way for funding several Special Services for Disadvantaged Students (SSDS) projects specifically to serve disabled students. While handicapped students COULD be served in other SSDS projects, they were represented in very small numbers until the late 70's; today, it is estimated that more than 15,000 disabled students receive support services through such programs. This move to serve more physically handicapped students paralleled the passage of Section 504 and the mandate to serve engendered in these regulations. Prior to this active involvement from SSDS, the majority of direct support came from the Bureau of Education for the Handicapped. In 1975, the Bureau provided funding for 14 model post-secondary programs to serve disabled students. In 1977, the Bureau helped to fund a conference at Wright State University in Dayton, OH, entitled "Disabled Students on American Campuses: Services and the State of the Art." This meeting was the first attempt to bring together service providers on a national scale to discuss the problems and challenges of serving disabled students in higher education. From this meeting emerged the nucleus of the group of dedicated professionals who would become the Association on Handicapped Student Service Programs in Post-Secondary Education (AHSSPPE). This meeting was followed in 1978 with a second meeting at Wright State ("Change Strategies and Disabled Persons: Postsecondary Education and Beyond") and then a 1979 meeting co-sponsored with the State University of New York-Buffalo ("Workshops on Communication Networks That Promote Opportunities in Post-Secondary Education for the Handicapped").

Thus far, the federal government has continued its active involvement in promoting post-secondary opportunities for disabled students in the 1980's. The Office of Special Education and Rehabilitative Services has funded a number of Research/Demonstration Projects to assist in defining the needs of handicapped students as well as proposed strategies to meet these needs. In the past few years, several grant award programs have focused on "transition strategies," but few have had much benefit to service providers at the post-secondary level, or to their student constituencies; the difficulties engendered in these "transition" initiatives will be discussed under the heading of "Future Directions".

THE IMPACT OF SECTION 504 ON EDUCATIONAL OPPORTUNITIES FOR STUDENTS WITH DISABILITIES

To understand the importance of the Rehabilitation Act of 1973 and its accompanying 504 Regulations, it is necessary to review the status of post-secondary opportunities for disabled students BEFORE the implementation of Section 504. Limiting of human potential through arbitrary decision-making was the order of the day.

Students were routinely denied admission to programs because the admissions officers FELT they would be unable to perform successfully. The stereotypes and beliefs held by society at large, and often by college officials, determined if a disabled student was to enter a certain field. Examples of these stereotypes were numerous. Certainly, disabled people could not teach elementary or secondary school. How would they handle the children in a fire drill? Certainly, blind people could not be engineers or scientists. It was far too dangerous to have them near specialized equipment. Certainly, deaf people could not work in heavy industry. They could not hear the whistle blow. Not only were these stereotypes and beliefs the basis on which admission was judged, but when disabled students were denied entrance they had no legal recourse to fight for their inclusion.

In the days prior to the implementation of Section 504, one very prominent public university prohibited students who needed a personal care attendant from enrolling at the university, regardless of their academic ability. Private colleges and universities did not even have to bother considering disabled applicants.

While some disabled individuals DID receive an education during this era, they often saw their career goals and choice of institution limited to the few schools that were accessible, both physically and in terms of policy and attitude. Most disabled students were "counseled" into the behavior sciences. As stated by one such consumer:

> "...As a disabled person who was educated during this time, I know how often my plans had to be modified and sometimes even abandoned because

> of lack of accessibility. I know how much of my energy I had to devote to figuring out how to get to class, how to use the library, how to do outside assignments, and how to research, seek out and try to use all available resources. I know that where help was available to remove some of the these handicaps, it truly liberated my mind for learning. I also believe I could have achieved far more than I did if my energy had not had to be expended to constantly 'fight the system.'" (Johns, 1984)

With the advent of Section 504 came protection for disabled students -- a promise that their academic ability, and not their disability, would be the sole basis for participation in post-secondary education. While maintaining flexibility for the institution in how access was to be achieved, it guaranteed that all programs of those benefitting from federal assistance would be accessible to all qualified persons/students with disabilities.

The passage of Section 504 was the culmination of years of struggle, exemplified by strong advocacy efforts and ultimately peaceful civil disobedience. In its process, as well as its form, it was the disability civil rights movement's analogy to the previous efforts of other minority groups. In many ways, it paralleled the Black Civil Rights movement in the 1960's, with its eventual passage of the 1964 Civil Rights Act. Thus, Section 504 fittingly has become known as the "Civil Rights Act for the Disabled."

The wording of Section 504 is simple and brief, but profound in implication and impact:

> "No otherwise qualified handicapped individual in the United States, ...shall, solely by reason of his handicap, be excluded from the participation in, be denived the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (Guide to Disability Civil Rights, 1980)

Through its adopted regulations, Section 504 provides civil rights protection for disabled persons in their dealings with any institution or agency that is a recipient of federal financial assistance. In terms of post-secondary education, this coverage extends to virtually all public colleges and universities as well as a very large number of private schools. The specific protections afforded to disabled students are lengthy and technical. Perhaps the overall impact can best be summed up by the concept of program accessibility to disabled students. Accessibility includes the elimination of policy barriers, the provision of auxilary aids such as readers and interpreters, and the provision of equal educational services and programs to disabled and nondisabled students, as well as physical access to the campus. Under Section 504, access to a college or university education based on one's academic ability has become a right for disabled students, rather than a privilege dependent on the attitude of a particular person, department or college administration. Since the implementation of the 504 Regulations in 1977, virtually every state in the nation has opened its public post-secondary institutions to students with disabilities. The freedom of choice now available for disabled students contrasts sharply with that of the 1960's and early 1970's when pockets of accessible colleges existed. Now, thanks in great part to Section 504, we find that some of the most prestigious "ivy covered walls" have become accessible, in addition to many public institutions. The three examples listed below give a partial indication of the rapid increase in numbers of disabled students:

Ohio State University	1975/32 disabled students	1984/662 disabled students
San Diego City College	1979/216	1984/489
Stanford University	1979/6	1984/57

Despite these tremendous gains, we have a long way to go. Not all colleges serve all disability groups adequately. Policy and attitudinal barriers remain difficult to break down and keep down. Finding funding and stability for programs and services remains a critical need at many campuses.

The Grove City Decision of 1984 creates numerous stumbling blocks to the continued advancement of efforts to make college campuses accessible (physically and programmatically) to disabled students. A move to evaluate legal mandates to serve on a program-by-program basis, rather than on an institution-wide basis, may encourage colleges and universities to be less diligent in initiating/enforcing accessibility within their institutions. Thus far, observors seem to feel that there has not been any significant move to pull back from existing levels of access, but that little forward progress has been made in expanding opportunities since the Grove City Decision was rendered. It would seem that the passage of some form of legislation aimed at resolving the perceived "gaps" in coverage is vital if the movement toward equal access to higher education is to continue to grow and flourish.

We must acknowledge that the full integration of persons with disabilities into our society will not always be easy or smooth. It will cost us in several ways. While there is a monetary cost associated with accessibility, previous evidence clearly indicates that such expenditures are amply repaid in increased employability (and thus, increased taxes) from those disabled students being educated. Also, the social change implied by full implementation of Section 504 will be "expensive" to the status quo, as it will challenge our previously held stereotypes, beliefs and attitudes about the disabled. It is perhaps this cost to tradition which pushes some to seek to abandon efforts to guarantee integration of disabled persons so soon after they have finally been granted. We must argue that the expense in terms of dollars represents an investment in America and its principles, and that the expense to the social status quo in terms of violation of our attitudes and beliefs, and its resulting discomfort to the establishement, is merely a society experiencing "growing pains." These will pass with time!

THE ASSOCIATION ON HANDICAPPED STUDENT SERVICE PROGRAMS IN POST-SECONDARY EDUCATION

A discussion of higher education for disabled students would be incomplete were it not to include a review of the history of the only national organization specifically devoted to this very special, and specialized, student constituency. The following description of the purpose and goals of the Association on Handicapped Student Service Programs in Post-Secondary Education (AHSSPPE) may provide perspective on the scope and interests of this organization:

> The Association on Handicapped Student Service Programs in Post-Secondary Education is a nonprofit organization of persons from the United States, Canada and other countries committed to promoting the full participation of individuals with disabilities in college life.
>
> The Association was established to provide a vehicle to strengthen the professionalism, expertise, and competency of individuals who are vitally interested and involved in services for handicapped students by:
>
> - Encouraging the development and expansion of a communications network for those persons professionally involved in programs for handicapped students; in addition to the Association's expanding publication series, this networking is enhanced through the activities of Special Interest Groups;
> - Facilitating the collection and dissemination of information about post-secondary education and the handicapped student;
> - Developing the capability to make timely and meaningful responses to issues and concerns affecting the educational resources and environment of handicapped students;
> - Training personnel about the many avenues of support services neces-

sary for the successful academic and social integration of handicapped students in post-secondary institutions;

- Exploring areas of qualifications of persons working with handicapped students on post-secondary campuses;
- Serving as a resource both to individuals currently providing support services to handicapped students as well as to other individuals and organizations interested in expanding/improving access for such students to higher education.

From a small group of concerned individuals who came together in 1975 to discuss strategies for program organization and student accommodation, AHSSPPE has grown to a current organization of more than 650 individuals from all fifty states, Canada and a smattering of international representation. The group published its first newsletter, the Alert, in 1977, shortly before the first national conference for service providers at Wright State University. In 1978, one year after the Section 504 Regulations were finally enacted, AHSSPPE's constitution was adopted, its Articles of Incorporation were filed, and its first Officers and Committee chairs were appointed.

Since that time, AHSSPPE has grown significantly; a myriad of activities have helped to facilitate the Association's development and formation as the national organization dealing with disabled students in higher education. Among these varied activities are: the 1979 National Symposium on the Southeastern Community College vs Davis case, the initiation of Job and Information Referral Services, and the development of a (still expanding) publication series covering all aspects of services to students with disabilities. Annual, national conferences have become a regular part of AHSSPPE's planning and have been held in Denver, Boston, Columbus, Oakland, Kansas City and Atlanta in the past six years. Other milestones include the establishment of a quarterly publication, the AHSSPPE Bulletin, the filing of an amicus curiae brief in the Camenisch vs. the University of Texas case, the hiring of an Executive Director and the move from a totally volunteer organization to centralization of functions through an established National Office with a paid staff. In 1980, the Association began an active awards program to honor individuals who have provided service to the Association (the Ronald E. Blosser Dedicated Service Award), to the field of disabled student services (Professional Recognition Awards), and a small award program to honor out- standing disabled students in their efforts to further the cause of educational opportunities for students with disabilities.

AHSSPPE has applied for numerous federal grants and several private grants. Since 1982, AHSSPPE has been actively involved in providing training to service providers from projects sponsored by the U.S. Department of Education's Office of Student Services. More than 700 individuals will have received training from AHSSPE concerning support to physically handicapped and learning disabled students before the end of the current fiscal year.

The phenomenal growth of AHSSPPE during the past 10 years seems to be directly proportional to the expansion of program availability and access nationwide. As more and more campuses recognize their mandate to serve disabled students, additional post-secondary personnel are shouldering the responsibilities involved in providing such services. The 650+ members of the Association represent individuals at more than 450 institutions nationwide. This rapid growth attests to the validity of AHSSPPE's goals and the dedication of its membership.

FUTURE DIRECTIONS

The Relationship of PL 94-142 and Section 504

Public Law 94:142 provides educational access for handicapped students at the elementary and secondary levels. Section 504 assures equal access to education for handicapped students (primarily) at the post-secondary level. While the general intent is the same, the methods documented for providing such services are very different; traditionally, these differences have been responsible for confusion and concern in providing appropriate transition preparation for disabled students choosing to pursue a higher education.

PL 94:142 essentially guarantees that children and youth will receive a free, appropriate public education regardless of handicapping condition. Schools are responsible for the identification and diagnosis of children with special needs; following evaluation, the schools are responsible for providing any ancillary services (speech therapy, physical therapy, special educational instruction, etc.) necessary for the student to benefit from schooling. The "least restrictive alternative environment" referred to within the legislation permits educators to develop self-contained programming for students with certain handicaps so long as they are included in traditional programming to the largest extent which is educationally sound. Parents are, by regulation, included in the planning of every phase of their child's program and the law includes detailed procedures for assuring the rights of parents to serve as primary advocates for their children.

In contrast, Section 504 of the Rehabilitation Act of 1973 is generally considered to cover post-secondary education (in fact, Section 504 includes a Section on Elementary and Secondary Education which speaks to those students who are handicapped but not in need of special services -- e.g., those needing only physical access in order to participate in education programming. The regulatory functions of PL 94:142 are more detailed and generally supercede the general statements given in Section 504). Section 504 promises that programming available to non-disabled students will be available to disabled students, but does not demand the implementation of new programs or services for students with disabilities unless these services are of a supplementary nature and necessary to insure full participation in other "traditional" activities. Support services are to be available "for the asking", but the institution is under no obligation to seek out students who MAY be in need of special accommodation, nor is it responsible for providing accommodation unless it is requested by the student. Because those individuals protected under these provisions are assumed to be adults, there is NO discussion of parental involvement or parental rights.

These differences in the delivery of services to students at the secondary and post-secondary levels have become a major source of concern to educators from both types of institutions. Of particular concern to those in secondary school is the question of how best to prepare disabled students for the degree of independence necessary to be successful advocates for their own needs at the post-secondary level. Initiating requests for services is the responsibility of the schools under PL 94:142; it is the responsibility of the individual student under Section 504. This is a difficult adjustment for students who have never been asked to identify or articulate their own needs.

Of particular concern to educators at the post-secondary level are the numbers of disabled students receiving high school displomas but not being prepared or encouraged to pursue a higher education. Most of the research that has been done to study the success of special education options has looked at the numbers of disabled students graduating from high school and going on to successful employment (often in vocational and/or technical settings). Seldom is there mention of transition to post-secondary educational institutions. It would seem that disabled students are not often considered viable candidates for higher education. A recent report from the National Center for Educational Statistics indicates that roughly 53% of all high school graduates can be expected to pursue some form of post-secondary education upon graduation. The study divides students during their high school careers into groupings of "low," "median," and "high" performers, and indicates that even among the "low" performers, roughly 30% are likely to pursue higher education. Yet among the documents submitted to this committee in support of educational issues is a statement that "it is expected that at least 7% of today's special education students will need and want to pursue some form of postsecondary education or training upon leaving high school." This drastic drop in numbers of students expected to pursue a higher education is discouraging to those individuals who are convinced that many of these students have tremendous potential which remains untapped.

Recognizing that PL 94:142 promotes equal educational opportunity for disabled students in elementary and secondary school, and that Section 504 extends those opportunities into the post-secondary setting, it would appear that the biggest gap in current educational policy is in the area of promoting successful transition from one setting to the other. This imperative translates into several specific recommendations regarding the assignment of funds under the statutes being reviewed by this committee:

Recommendations

Section 625,(a)(1). Postsecondary Education Programs

This section includes authorization for funding the development and operation of "specially designed model programs" for "individuals with handicapping conditions other than deafness"; if these expenditures are to have direct impact on the education of the largest numbers of students, emphasis should be on programs which provide a blueprint for organization and delivery of support services which can be applied by service providers in a wide variety of campus settings. If education of handicapped students with their nonhandicapped peers is to be encouraged, students should have access to quality support services at large numbers of educational facilities, so that they have the same numerous OPTIONS in selecting a site for their educational pursuits as do their able-bodied peers. Specifically:

IT IS RECOMMENDED THAT special emphasis be given to model (demonstration) projects which are replicable in many settings; further,

IT IS RECOMMENDED THAT service providers be encouraged and assisted in performing regular and detailed evaluation of the effectiveness of programming.

Moreover, the proposed funding priorities in this section reflect a supposed need based on the numbers of students, and the types of disability represented among those numbers, at a point in time when these statutes were developed. Evidence indicates that these numbers may have altered considerably over the past two to three years. The post-secondary schools are experiencing an influx of students coming from expanded and improved secondary programs. Particularly in the area of learning disabled students, most service providers report huge increases in the numbers of students being served (as much as 200-300% increase is not unusual since 1980). These significant shifts in the make-up of the population to be served appear to warrant extra attention in the planning/preparation of programs and personnel. Specifically,

IT IS RECOMMENDED THAT special attention be given to the problems and issues involved in providing quality support services to learning disabled students in postsecondary education.

An additional concern in the area of postsecondary programming for handicapped students is the lack of reliable, comprehensive information on the currently available range and location of services. For example, a high ranking official from the U. S. Department of Education recently was quoted as saying that there were 100 colleges in the country other than Gallaudet and the National Technical Institute for the Deaf which were providing support services for deaf students. Among the 450 institutions represented by the membership of the AHSSPPE alone, we can document MORE THAN 200 INSTITUTIONS providing support services to deaf students. A definitive demographic study of disabled students in higher education -- from application to graduation -- has yet to be attempted. While Section 626.(a) speaks to such studies for the secondary school population of disabled students, this type of research has not been a stated priority in the area of Postsecondary Education Programs.

IT IS RECOMMENDED THAT demographic studies which provide information on the numbers, age levels, types of handicapping conditions and services required for disabled students involved in postsecondary education be established as a priority for effectively evaluating/improving the current level and type of services available.

Section 626,(a). Secondary Education and Transitional Services for Handicapped Youth

The types of programming assisted under this section are urgently needed to promote the successful culmination of student educational experiences in post-secondary settings; however, recent emphasis on programming in this area has been heavily weighted toward the transition to vocational placement and the world of work. While large numbers of disabled students are receiving better and more complete educational programming than ever before at the elementary and secondary level, the numbers of these students who are successfully finding their way into the post-secondary mainstream are alarmingly small. Better transition strategies must be pursued for the sizeable population of disabled students who are intellectually capable of pursuing a higher education; if the development of such strategies does not keep pace with the development of educational services available to students in secondary AND post-secondary settings, we will quickly find ourselves dealing with a large population of under-educated, and thus under-employed, individuals. Specifically,

IT IS RECOMMENDED THAT more emphasis be given to the possibilities of transition of academically capable disabled students from secondary to post-secondary education; and

IT IS RECOMMENDED THAT demographic studies regarding the numbers of students successfully making the transition to post-secondary education be a priority; further

IT IS RECOMMENDED THAT the results of such studies be used in comparison with the numbers of students presumably eligible for post-secondary education in order to determine HOW and WHY the bridge from one setting to the other is currently undeveloped or under-utilized.

Section 633. Grants to Improve Recruitment of Educational Personnel and Dissemination of Information Concerning Educational Opportunities for the Handicapped

There is a vital need for active dissemination of information regarding the whole field of services to disabled students in higher education. The HEATH Resource Center provides a valuable service to consumers in dissemination of information regarding the nature and availability of services, but there has been little federal emphasis on providing information to professionals in the field on the organization and/or improvement of such services. The Division of Student Services HAS provided training restricted to the personnel in its service projects -- which are national in scope. The availability of this training has been shadowed by a sharp rise in the NUMBERS of disabled students being served in these projects (from an estimated 8,000 in 1979 to more than 15,000 in 1984). It would appear that the ability and willingness of institutions to respond actively to the challenge of providing services to disabled students is linked to the size of their base of knowledge in how to approach the issues involved. Specifically,

IT IS RECOMMENDED THAT emphasis be placed on supporting and encouraging the widespread dissemination of technical assistance and information to professionals responsible for providing quality support services to disabled students in higher education.

Honorable Chairman and Committee Members, the membership of the Association on Handicapped Student Services in Post-Secondary Education, whose views I have represented herein, wish to thank you for the opportunity to share our thoughts and concerns with you. We hope that you will find these comments and recommendations useful in your deliberations.

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Mr. **Williams**. Thank you.

Mr. Abramson.

Mr. **Abramson**. I would just like to thank Mr. Williams and the committee for inviting me here today. This is indeed a great honor for me.

My name is Andy Abramson. I am currently a student at the American University. Although I take the same courses as everyone else, I am also enrolled in a support program for students with learning disabilities.

I was tested in third grade and found to have learning disabilities. I was lucky in that my family was concerned and aware and could provide some services for me in addition to using the services through my school system, rather than having to depend solely on the system.

I attended public schools in Winnetka, IL, and was usually given one period a day for tutoring and special help throughout elementary school and high school. Mainly I have trouble with reading, spelling, grammar, handwriting, and organization. My strong areas are math and verbal expression.

I took the SAT's both timed and untimed, doing considerably better untimed, which showed my real potential. In looking for a college, I consulted a private placement counselor and investigated about half a dozen schools.

The American University was my all-around first choice since it seemed to have an appropriate level of support for me that was well integrated into the mainstream of student life. By contrast, at another school the program was located in the library with a large sign on the door, "handicapped." I felt there would be an isolation of students with special needs and a stigma attached to needing extra help. I did not even consider going to a college that did not have support services, so my options were limited. I came from a big high school and wanted a smaller college. Fortunately for me, most programs were available at the smaller schools.

Last year I enrolled at the American University which had a program that I felt gave me the level of support I needed. Faith Leonard is the director of the program, and I worked last year with my tutor, Lisa Keller, in the Learning Services Program. We met on a weekly basis, although some weeks more often if I had tests or papers due.

We worked on proofreading, writing papers, and on strengths and weaknesses and suggesting ways to help. The program allowed me to take some tests with extended time in a quiet place as the learning center.

I also arranged to copy other students' notes, since it was hard for me to listen to a lecture and take notes at the same time. Professors were willing to help me when I needed content tutoring in any course. I feel the program has given me good support.

Last year, for example, my grade point average was 2.6.

One of the reasons I believe there should be Government funding for learning disabled college students is so that they can get better jobs. My goal is to be a management executive and for this a college degree is essential.

With a support program such as that at the American University, I would find college very difficult. Instead, the special services I have received have really helped me to untap much of my learning ability. For example, I might not be able to write up to my full potential because of my spelling, yet tutoring will allow me to do this.

Since many people depend solely on the public system for support, I believe it is very important to provide public funding.

The program I entered at the American University in 1983 included nine freshmen students. There are thousands more out there needing help in order to become more successful in the working world. The money you put into education for college students with learning disabilities is an investment. There will be a return because we are going to become even more productive members of our society, and without that support it would not be possible.

Thank you.

[The prepared statement of Andy Abramson follows:]

PREPARED STATEMENT OF ANDY ABRAMSON

My name is Andy Abramson and I am currently a student at The American University. Although I take the same courses as everyone else, I am also enrolled in a support program for students with learning disabilities. I was tested in third grade and found to have learning disabilities. I was lucky in that my family was concerned and aware and could provide some services for me in addition to using the services through my school system rather than having to depend solely on the system. I attended public schools in Winnetka, IL and was usually given one period a day of tutoring and special help throughout elementary school and high school. Mainly, I have trouble with reading, spelling, grammar, handwriting and organization. My strong areas are math and verbal expression.

I took the SAT's both timed and untimed, doing considerably better untimed which showed my real potential. In looking for a college, I consulted a private placement counselor and investigated about half a dozen schools. The American University was my all-around first choice since it seemed to have an appropriate level of support for me that was well integrated into the mainstream of student life. By contrast, at another school, the program was located in the library where a large sign on the door said "Handicapped." I felt there would be an isolation of students with special needs and a stigma attached to needing extra help. I did not even consider going to a college that did not have support services so my options were limited. I came from a big high school and wanted a smaller college. Fortunately for me, most programs were available at smaller schools.

Last year I enrolled at The American University which had a program that I felt gave me the level of support I needed. Faith Leonard is the director of the program. I worked last year with my tutor, Lisa Keller, in the Learning Services Program. We met on a weekly basis although some weeks we met more often if I had tests or papers due. We worked on proofreading, writing papers and on strengths and weaknesses and suggesting ways to help. The program allowed me to take some tests with extended time in a quiet place such as the Learning Center. I also arranged to copy other student's notes since it is hard for me to listen to a lecture and take notes at the same time. Professors were willing to help me when I needed content tutoring in any course. I feel the program has given me good support. Last year, for example, my grade point average was a 2.6.

One of the reasons I believe there should be government funding for learning disabled college students is so that they can get better jobs. My goal is to be a management executive and for this, a college degree is essential. Without a support program such as that at The American University, I would find college very difficult. Instead, the special services I have received have really helped me to untap much of my learning ability. For example I might not be able to write up to my full potential because of my spelling, yet tutoring allows me to do so.

Since many people depend solely on the public system for support, I believe it is very important to provide public funding. The program I entered at The American University in 1983 included nine freshmen students. There are thousands more out there needing help in order to become more successful in the working world. The money you put into education for college students with learning disabilities is an investment. There will be a return because we are going to become even more productive members of society than we would have been without support.

Mr. WILLIAMS. Thank you very much.

Dr. Stephens.

Dr. STEPHENS. Mr. Chairman and members of the committee, including Congressman Bartlett from Dallas, I am Beth Stephens, director of the Department of Defense Dependent Schools. Now, this is an overseas system. I am also director of section 6 schools, which is a stateside system.

I would point out that section 6 and DODDS are two separate systems created by separate legislation and with distinctly different administrative structure.

I appreciate the opportunity to respond to your interests today, and I will briefly summarize the testimony that has been submitted for the record.

Within DODDS, the overseas system, we have responsibility for the education of approximately 151,000 students in 270 schools located in 20 different countries. We have over 9,000 educators on the staff.

On January 7, 1985, I, as director, was assigned the authority and responsibility for the section 6 schools located on 18 military installations within the United States in 8 different States. There is also one in Puerto Rico. We also have five section 6 arrangement schools with local education agencies. The section 6 schools have approximately 500 employees and they provide educational opportunities to approximately 36,000 students.

My remarks today address section 6 schools.

The Department of Defense provides funds and it has policy oversight for the section 6 schools. But like public schools in the United States, these section 6 schools are administered by locally elected school boards. However, the base commander does approve the minutes of the meetings of the school boards.

Section 6 schools conform to the laws and regulations of the State education agencies in the States where they are located. Accordingly, the information about the application of Public Law 94-142 in the section 6 schools differs from State to State.

Operationally, section 6 schools are similar to small public schools in the United States, and as is the practice in many States, a section 6 school will rely on a larger educational unit to supply services which are not cost-effective for them to supply. Specifically, section 6 schools often contract services for severely handicapped individuals. Generally, this is arranged through the cooperative support of usually an adjacent local school district.

Public Law 81-874 states that section 6 schools shall be comparable to public schools within the States where they are located. This means following the respective State plans for special education. In providing the comparable services for handicapped students, the section 6 schools are in full compliance with Public Law 94-142. In fact, several of our section 6 schools have gone beyond their State's basic requirement to serve handicapped children. For example, the Fort Campbell school system has gone beyond the Kentucky State guidelines for serving students in the 5- to 17-age range. They serve students from 3 to 21 years of age. This wider range is consistent with the recommendations contained in Public Law 94-142.

Also, during the 1984-85 school year the State of Kentucky monitored the Special Education Program at Fort Knox section 6 schools and they awarded them nine special commendations, more than any other school district in that State.

In an interpretation of the applicability of special education laws to section 6 schools, the Department of Defense, Office of General Counsel has indicated:

> Although Public Law 94-142 does not directly govern the Section 6 schools, it may apply indirectly in some respects. The analysis begins with the language of a provision in Section 6 itself:
>
> "To the maximum extent practicable, the local educational agency, or the head of the federal department or agency . . . shall take such action as may be necessary to ensure that the education provided . . . is comparable to the free public education provided for children in comparable communities in the state . . ."
>
> Under this line of reasoning, if the Section 6 school fails to provide its handicapped students with a free appropriate public education . . ., then it denies them an education comparable to what they would receive in the state's public schools.

It is my perception that the section 6 schools are providing appropriate educational services to handicapped students.

Then also, within the context of our mission, DODDS, the overseas system, is prepared to respond to any requests from the section 6 schools in their efforts to provide free, appropriate educational services to handicapped students.

So, I thank you for the opportunity to appear before you, and if there are questions I would be happy to respond to them.

[The prepared statement of Dr. Beth Stephens follows:]

PREPARED STATEMENT OF BETH STEPHENS, PH.D., DIRECTOR, DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS

Mr. Chairman and members of the committee, I am Beth Stephens, director of the Department of Defense Dependents Schools (DODDS) and director of section 6 schools. DODDS and secton 6 are two separate school systems created by separate legislation and with distinctly different administrative structures.

Within DODDS we have responsibility for the education of approximately 151,000 students in 270 schools located in 20 foreign countries. Over 9,000 educators are employed in these schools.

On January 7, 1985, I, as director was assigned authority and responsibility for the section 6 school systems located on 18 military installations in 8 States and Puerto Rico. We also have 5 section 6 arrangements with local education agencies. The schools, which have approximately 500 employees, provide educational opportunities to approximately 36,000 students. The remainder of my remarks will address the section 6 schools.

The Department of Defense provides funds and has policy oversight for the section 6 schools. Like public schools in the United States, the section 6 schools are administered by locally elected school boards as prescribed in section 6 of Public Law 81-874, which established the schools. However, the base commander approves the minutes of the school board meetings for schools on that particular base. Section 6 schools conform to the laws and regulations of the State education agencies in the individual States where they are located. Because the section 6 schools are located in 8 different States and Puerto Rico, the requirements for and implementation of State-legislated mandates vary. Accordingly, the information about the application of Public Law 94-142 in the section 6 schools differs from school to school.

The information I will provide today about the education of handicapped children in the section 6 schools has been gathered from the administrative officials of the respective section 6 schools on the 18 military installations.

Initially I will address factors or issues which are common to the schools on the 18 based—operationally, the schools are similar to small public school districts within the United States. As is the practice in many States, a section 6 school will rely on a larger educational unit to supply services which are not cost-effective for the smaller section 6 unit to supply. Specifically, the schools often contract services for low incidence and/or severely handicapped students. Generally, this is arranged through the cooperative support of a local public school district. This approach allows the section 6 schools to provide or to arrange for the provision of a full continuum of special education services.

Public Law 81-874 states that section 6 schools shall be comparable to public schools within the State where they are located. For most of the 18 systems this means following the respective State plans for special education. Section 6 schools in Puerto Rico are to be comparable to Washington, DC public schools. In providing comparable services for handicapped students, the section 6 schools are in full compliance with Public Law 94-142. Personnel must by law meet the certification standards of the State in which the system is located.

If the committee were to review provisions for handicapped pupils in a section 6 school, they would find individualized education program forms, required procedures, and terminology that would be reflective of the State plan where that specific section 6 school is located: i.e., each of the schools at the 18 sites report that they are following the special education guidelines and regulations of the State in which they are located. In fact, several section 6 schools have gone beyond their State's basic requirement to serve handicapped children.

One unit, Fort Campbell school system, has gone beyond the Kentucky State guidelines for serving students in the 5 to 17 age range, by serving students from 3 to 21 years of age. The wider age range is consistent with Federal recommendations in Public Law 94-142.

During the 1984-85 school year, the State of Kentucky monitored the special education program in the Fort Knox section 6 schools and awarded 9 special commendations, more than any other school district in the State.

In an interpretation of the applicability of special education laws to schools estabished under section 6 of Public Law 81-874, the Department of Defense, Office of General Counsel has indicated that, and I quote:

"Although, Public Law 94-142 does not directly govern the DOD section 6 schools, it may apply indirectly in some respects. The analysis begins with the language of a provision in section 6 itself:

"To the maximum extent practicable, the local educational agency, or the head of the Federal department or agency, with which any arrangement is made under this section, shall take such action as may be necessary to ensure that the education provided pursuant to such arrangement is comparable to free public education provided for children incomparable communities in the State—20 U.S.C. § 241(a).

"It could be asserted, therefore, that if the State in which a section 6 school is located is subject to Public Law 94-142, then the educational program of the section 6 school must also satisfy the statute. Under this line of reasoning, if the section 6 school fails to provide its handicapped students with a free appropriate public education, consisting of necessary special education and related services individually tailored to the handicapped student's individual needs, then it denies them an education comparable to what they would receive in the States's public schools."

It is my perception, that despite any logistical problems with the operation of distinct school systems within the educational and geographical boundaries of the 8 States and Puerto Rico, the section 6 schools are providing appropriate educational services to handicapped students. The schools have worked cooperatively with their respective State educational personnel to implement appropriate regulatory guidance regarding services to handicapped children.

Also within the context of our mission, DODDS is prepared to respond to any requests from the section 6 schools in their efforts to provide free appropriate educational services to handicapped students.

I do thank you for the opportunity to appear before this committee. This concludes my statement, but I would be pleased to answer any questions.

Mr. WILLIAMS. Thank you very much.

Mr. Bartlett.

Mr. BARTLETT. Thank you, Mr. Chairman.

Let me begin with Dr. Stephens. So, your testimony is that the section 6 schools are in full compliance with Public Law 94-142 because they are required to provide comparable services?

Dr. STEPHENS. They follow the State plan for special education in the State in which they are located, and these States are in compliance, therefore section 6 is also.

Mr. BARTLETT. Do section 6 schools, for example, provide the full due process kind of hearings and individualized instruction and curriculum plans?

Dr. STEPHENS. Yes. The procedure set forth in the State plan for due process, or the procedural safeguards for due process are followed by the section 6 schools in that State.

Mr. **Bartlett**. So, if we were to clean up loose ends and include section 6 schools under Public Law 94-142 explicitly, there wouldn't be any—I think I hear you saying but I want to know if this is true—there wouldn't be any consequences, either negative or positive?

Dr. **Stephens**. Well, actually I think that the fact that they have to be comparable to the State plan and the schools in that State assures that they are in compliance with Public Law 94-142. I don't know that any additional legislation is necessary, because by law they have to be comparable to the State plan in which they operate, and they are.

Mr. **Bartlett**. OK. I guess my other question on section 6 schools, you said that you have 500 employees and 36,000 students. I assume that means that you contract a lot of the students out to the local school districts. Am I reading that correctly?

Dr. **Stephens**. You mean the special education students?

Mr. **Bartlett**. No. All students.

Dr. **Stephens**. We have 36,000 students in section 6 schools. Generally, in the 67 schools that we have, 60 of them are elementary schools, 7 of them are high schools. So, many of the high school students do go to high schools in adjacent school districts. Of course, the school districts receive aid when they do.

Mr. **Bartlett**. Thank you, Dr. Stephens. I very much appreciate your testimony and being here.

Dr. Scales, and this will be a question for both Dr. Scales and Mr. Abramson, from the descriptions that you both gave, two conclusions emerge. One is that there has been tremendous progress on the college campuses in the last 20 years. Second, that many colleges have a ways to go in terms of providing full access to higher education.

I suppose my question is, could progress be made in terms of communications with various college campuses so institutions of higher education—is there a need for institutions to have a clear understanding of student needs? And in light of that, would you think that—you know, we do have a clearinghouse, as you know, of information, and you testified the clearinghouse was not—I don't want to characterize what you said, but was not being used as well as it could be. Are the problems with the clearinghouse that access by the students, the students don't know about it, or can't use it, or is it problems that it is not accurate, or is it problems of incompleteness, or is it problems that this clearinghouse doesn't ask the right questions?

We don't want to create another clearinghouse. What can we do with the one that we have that would improve those?

Mr. **Scales**. I would think that it is more a matter of the clearinghouse being able to have the appropriate funds and the appropriate support in order to collect the information and compile it in a more complete and a more accurate fashion, because, you know, the higher education accessibility has not been in existence for any extended period of time. Many colleges didn't start to do anything until at least 1977.

Mr. **Bartlett**. If you could help me a little bit and rather than tell me that the solution is more funds, if you could sort of go and tell me what the more funds or existing funds would do? That is to say, what is the problem with the clearinghouse? Does the clearinghouse not have adequate information, or are they not disseminating it?

Mr. SCALES. I think it probably does not have the accurate information collected, and it probably needs more of that about the specific programs on each and every campus.

Mr. BARTLETT. Mr. Abramson, did you use the clearinghouse to obtain information about college campuses?

Mr. ABRAMSON. I am not familiar with the clearinghouse per se. If I understood your question correctly, I think it is important that schools look at each others programs, since it is such a very new thing for a lot of schools. If one school is indeed having success with their program, why not send representatives to take a look at it and see how it is working and maybe copy that or work on that and make it better?

Mr. BARTLETT. How did you find information about the various college campuses? When you made your university selection, how did you find information about the various campuses?

Mr. ABRAMSON. I was very, very lucky. My high school, its services program, the head of the program had gone on sabbatical the year before and had traveled around the country checking out schools with new programs, and had done a report, written up a report on which schools she liked and what their strong points were. The year that I was to graduate she finished the report.

If it hadn't been for that, I am not quite sure what I would have done. I also went to a college counselor, a private one. I had one for the school, but, you know, this is just such a new thing, that this report that she had written was really the state-of-the-art. It was really fine.

Mr. BARTLETT. Dr. Scales, I wonder if you would think it would be useful if we were to attach to the clearinghouse, for example, some sort of a student or student/parent advisory council to be certain that the things the clearinghouse is doing are useful on the receiving end and in fact they are being received? Is that the kind of communication, the technique that you are advocating, or is it something else?

Mr. SCALES. Well, I think it really is a matter of the clearinghouse having the opportunity to more accurately gather the data about the programs and then to somehow make it clear to the parents out there that that information is available and where it is available.

I think probably lots of parents don't know where to go to find the information. Consequently, we get calls all around the country, people asking where do I go to find these kinds of support services.

Mr. BARTLETT. Thank you.

Thank you very much.

Mr. WILLIAMS. Mr. Martinez.

Mr. MARTINEZ. I was interested in your testimony when you touched on minimal standards of programming. Could you give us a few examples of minimal standards of programming?

Mr. SCALES. Yes. When we worked on those standards for the last year or so and were trying to establish those, we looked at some of the broader areas, like what sort of minimal staffing would be required on any one campus to assure that some level of support services would be available, things like at least one person on that campus ought to be given as their primary responsibility to coordinate all services for all disabled people attending that institution. That is one kind of thing.

The fact that every institution ought to have some kind of a mission statement as a part of their whole institutional mission that addresses providing higher education to disabled students, you know, things of that nature, that there ought to be some kind of general guidelines developed in terms of what kinds of accommodations should students be able to expect when they attend a public institution, you know, whether or not they ought to be able to expect to have interpreters in the classroom if they need them there, or note takers, or whatever it is that they might be.

So, there could be some listing of minimal kinds of services that every institution ought to have to be expected to provide, those kinds of things are what we were trying to address in the standards that we developed. We also developed a set of guidelines that went along with each of the standards that was a greater expansion of that minimal standard, that led more toward being what would be kind of like the ideal program.

Mr. MARTINEZ. Certainly in your discussion of this, or most of it, at some point in time entered the matter of costs involved in doing some of these things. Do you feel that regardless of the economic base of a particular university that all of them should be able to, within their economic capability, provide at least minimal standards?

Mr. SCALES. I would like to think, yes. I think that they should be able to, but I am not at all sure they can. You have such great diversity in the postsecondary institutions in this country, and I think that is in many ways good. I don't think postsecondary institutions ought to be all exactly alike, they shouldn't all look exactly alike.

But on the other hand, I think there needs to be some kind of minimal level of support that the disabled person could expect to find to go to one of those institutions, and I think the degree to which individual institutions can afford to fund those things themselves, again, varies greatly from one to the other.

Mr. MARTINEZ. You have to understand that if we start to introduce something that would require across the board, across the country minimal standards, let's say, in this area, that the grave concern is going to be the ability to afford to do it.

Mr. SCALES. Oh, I know that.

Mr. MARTINEZ. Then where does the money come from.

Mr. SCALES. That is right.

Mr. MARTINEZ. The Government has to provide for some institutions, funding assistance for it to provide at least that minimal standard.

Mr. SCALES. At the present time, the only Federal money that is really going into providing these kind of services on the postsecondary level would be in some of the model programs like TRIO, and those programs have done, I think, a very fine job and they have set a pretty good model for people to at least know what they ought to be doing.

But if that kind of funding could be done on a broader level, it certainly would be very helpful.

Mr. **Martinez**. Thank you.

Thank you, Mr. Chairman.

Mr. **Williams**. Mr. Scales, does the University of Maryland make the curriculum accommodations, the time limit extensions that you indicate are necessary for many people with handicaps?

Mr. **Scales**. Yes, we do.

Mr. **Williams**. Tell me something about those accommodations?

Mr. **Scales**. OK. We have a handbook that describes the services that we have available on our campus for all the various types of disabilities. We serve all of the different types of disabled students on our campus.

In the case of a student who, let's say, has a physical limitation that makes the process of writing much slower than it would be for a nondisabled person, we try to sit down and work with that person and make some estimate of about how long it is going to take them to produce a reasonable amount of writing, compared to someone who doesn't have that disability. Then we try to give them that much more time in which to complete an assignment or to complete an exam, in order not to have them penalized because of the difficulty with the writing, and to be able to express their knowledge on the same level as anyone else.

We do provide interpreters for deaf students on our campus. We do have most of the adaptive equipment that I described earlier. We provide reader service for blind students.

I would say that the University of Maryland probably is pretty much in the average range of what you would find on college campuses comparable to it. I would not say it is an exemplary program, but I certainly would think that we are average or better for institutions of our size.

Mr. **Williams**. Your concern about the disabled students who carry a full course load, perhaps being made ineligible for full student financial benefits is well taken. I have introduced legislation which I am hopeful we can amend in total or in part under the postsecondary education bill that is coming out of the Postsecondary Education Subcommittee. It will in large part relieve that problem because it expands the eligibility for part time students.

Mr. **Scales**. Great. That is real helpful to us.

Mr. **Williams**. Mr. Abramson, did you receive additional assistance that was necessary to you that was not federally supported while you were in grade school, junior high or high school? Could you discern between the extra help you were getting, whether it was Federal help, State help or just voluntary assistance?

Mr. **Abramson**. I am not quite sure who supported our program in my high school, but I know that, for instance, extra help, a lot of times I had to get a private tutor. I was very lucky that my family could afford to pay for a private tutor. I know a lot of people can't, and in that case you are in trouble.

Mr. **Williams**. Do you think your teachers were more flexible with your requirements because of your learning disabilities? Did you find that the teachers were easy to work with, generally. I know each teacher is different. Yet, did you find that there was some unfairness because you had to meet the same exact criteria and goals as all the other students?

Mr. **Abramson**. Most of my teachers were very, very understanding. The way you present it is, I can do this work if I can have extra time. I can show you that I have the knowledge, but I need extra time to do it. Most teachers and most professors are very understanding of that.

You know, every once in a while you come upon a professor who, I guess, takes it personally or thinks that you are taking them for a loop or something, that you need more time. But most educators understand and will try to help you out and let you work up to your capabilities.

Mr. **Williams**. Thank you.

Dr. Stephens, do the section 6 schools have their own separate administrators hired, authorized and administered by the Department of Defense, or are those administrators and teachers employees and under the authority of the local school board?

Dr. **Stephens**. Well, I would answer, both, and I will have to explain that. The administrator for our section 6 is the superintendent, just as the superintendent is the administrator in the school districts, public school districts. Of course, they serve as more or less the executive director of the school board, just as superintendents do in public schools in the United States.

They can be employed by the school board under a contractual arrangement, just as employees of local school districts have a contract with the school district, and in some instances they also are listed as Federal employees. Both conditions exist in section 6 schools. The contracting is done, of course, by the school board signing a contract for the people that work in that school.

Mr. **Williams**. Some of the teachers and administrators are Federal employees and other are local school district employees, not within the same school but nationwide?

Dr. **Stephens**. They all are local employees. Some are under a contract and other are Federal employees. Those are the two mechanisms that are utilized.

Mr. **Williams**. Those who are local employees are paid for by the locality or the Department of Defense?

Dr. **Stephens**. The Department of Defense. All funding for section 6 schools is provided by the Department of Defense.

Mr. **Williams**. Is their salary schedule determined locally or by the Department of Defense?

Dr. **Stephens**. It is determined by the comparability clause in the legislation. Salaries for the school teachers in a specific school will be comparable to the salaries paid to teachers, and it is an average, in the adjacent school district, in the school district in which the State capital is located, and then from one to three other school districts in that State, and they are paid the average salary. That is computed that way.

Mr. **Williams**. Does the Department of Defense have data concerning the number of disabled students in the section 6 schools or who enter the section 6 school?

Dr. **Stephens**. I do, and I can submit it for the record, if you like. In the 1984 school year there were 33,000 students approximately. Of that number, approximately 3,000 were special education students; 2,869 were served by section 6 facilities and services; 91 received contract services with probably adjacent school districts.

The percentages that are found nationwide are maintained in section 6 schools.

Mr. **WILLIAMS**. How does a parent of a disabled child in a section 6 school assure him or herself that the child is receiving full support and services comparable to Public Law 94-142?

Dr. **STEPHENS**. Well, the parent, of course, attends the case conference at the time decisions are made concerning the educational program for their child, the individual educational program. And if they accept it they sign it and state that they are in agreement.

If they do not, they can follow the same due process procedure that is available to all people in that State, that is incorporated in the State plan. They can go from a hearing, and if the State also has mediation, they can go for mediation. If they still are not in agreement with what the school is outlining for their child, they of course can take it to the court. That is the procedural safeguard that is outlined for the parent.

Mr. **WILLIAMS**. Are those parents as fully protected in their rights as are parents whose child is attending a school that is covered directly by Public Law 94-142? Are the protections identical?

Dr. **STEPHENS**. They are, because we have to be comparable to the State and so we do follow that state's plan. Our policy has been successful. We have not had any lawsuits filed against section 6 schools for an alleged violation of the child's educational rights.

Mr. **WILLIAMS**. If a lawsuit was filed, would it come under the jurisdiction of Public Law 94-142?

Dr. **STEPHENS**. It would be filed because the State plan would indicate that they should be following Public Law 94-142 and they were not, and we are following the State plan.

Mr. **MARTINEZ**. Will the chairman yield?

Mr. **WILLIAMS**. Yes.

Mr. **MARTINEZ**. I was always under the impression and have read several different places that a military person cannot sue the Government.

Dr. **STEPHENS**. Well, the parents can ask for a hearing and at the time——

Mr. **MARTINEZ**. But you said that their last remedy was in a court of law.

Dr. **STEPHENS**. I would defer to our general counsel on that, Mr. Terzian.

Mr. **TERZIAN**. There is no prohibition on filing a suit. There may be some difficulty in maintaining the action where there is no sovereign community break. However, in the case where there is a lawsuit filed under a State plan, the rights that the parent and the child would have would not necessarily be against the Federal Government. It would be as to whether or not the school system, the local school system that administers the section 6 school did in fact meet the requirements of the State plan.

Mr. **MARTINEZ**. Oh, I see. So that if he brought suit against the section 6 school not providing his child with the kind of special attention that child needed, or education program, that it would be because section 6 was in compliance with the State plan and the State plan was inadequate, and thereby you are saying then that serviceman would not be suing the Federal Government but in effect would be suing the State?

Mr. TERZIAN. Well, my sense is that the lawsuit would be against the school board or the local school agency that administers the program. Those persons are not necessarily Federal employees or acting under color of Federal law. Therefore, there is no necessary community to sue where the action was lodged for failure to adhere to the procedural requirements set forth in the State plan.

Moreover, the remedy would probably be an equitable remedy—that is, to correct the problem and see that the child is properly placed. It would not be for damages, more than likely. In that situation the doctrine of sovereign immunity, even if it were to be applied, would not be onerous against the child. The courts would, even in the presence of a sovereign immunity lawsuit, conceivably order equitable relief.

Mr. MARTINEZ. Thank you.

I yield back to the Chair.

Dr. STEPHENS. To answer your question, the school board is the governing body and the responsible body. The Department of Defense provides the funding, just as in other public schools in that State.

Mr. WILLIAMS. As a matter of interest, what was the reason for the placement of section 6 schools in the first instance, inasmuch as they are a unique part of the education system? I am interested to know how they started.

Dr. STEPHENS. Well, they came into being either during World War II or shortly thereafter, and there was concern about people who were placed on a base, about the quality of education that their dependents would receive, and to assure the people that they were receiving the education that they wanted schools were brought into being on the military bases.

Mr. WILLIAMS. Can you tell me the States that those schools are located?

Dr. STEPHENS. They are located in seven of eight different States. I will defer to Mr. Bradach on that.

Mr. BRADACH. We have North and South Carolina, Georgia, Alabama, Louisiana, Virginia, New York, and Puerto Rico.

Mr. WILLIAMS. With the exception of New York and Puerto Rico, those are all Southern States. Was there a particular—and I don't have a preconditioned notion as to the answer here—was there a condition existing in the South, New York and Puerto Rico which encouraged the placement of those schools in just those few areas?

Mr. BRADACH. Actually, in the Southern States in 1950 with the integration problems, it was determined that the military students were not receiving an equitable education at that time, the Federal children. Therefore, they started the section 6 schools for those purposes.

States like New York, and there are some what they call arrangement schools in States like Massachusetts and Delaware, which are funded by the Department of Defense as State law prohibited expenditure of State funds for children of Federal employees. So, that was a second reason some schools were established.

Mr. Bartlett. If the Chairman would yield, I might just ask a followup question as to whether either our counsel knows or your counsel knows.

With regard to section 6 schools—we deal with Public Law 94-142, but what committee of Congress has jurisdiction over section 6, what committee of the House, over section 6 schools?

Dr. Stephens. Well, the appropriations come through the Armed Services Committee. We submit all of our budget to the Armed Services Committee. It is part of the Department of Defense budget.

Mr. Bartlett. Have you ever testified before Government Operations or is there any jurisdiction by Government Operations?

Dr. Stephens. I have never testified before them.

Mr. Bartlett. So, it is all in the Armed Services Committee.

We appreciate your patience as Congress tries to make sense out of what we have created jurisdictionally.

Dr. Stephens. If we can answer additional questions, we will be happy to do so.

[Committee insert follows:]

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COMMITTEE ON EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES
617 HOUSE OFFICE BUILDING ANNEX #1
WASHINGTON, DC 20515

SUBCOMMITTEE ON SELECT EDUCATION

October 31, 1985

Beth Stephens, D.Ed.
Director, Department of Defense
  Dependent Schools
2461 Eisenhower Avenue
Alexandria, Virginia 22331

Dear Dr. Stephens:

Thank you for taking the time to present testimony before the Subcommittee on Select Education regarding the reauthorization of the Education of the Handicapped Act. Your testimony was extremely helpful.

Because of the number of witnesses testifying at the hearing, I was unable to ask several questions that are of interest to me. I would appreciate it if you would answer the questions set out below. The hearing record will be open until November 15 to include your responses to these additional questions.

1.) Is there a current need for Section 6 schools for children of military personnel stationed on bases in this country?

2.) Do parents have the right to a due process hearing? Do they have the right to bring a civil action against the Administrator of the Section 6 schools? If so, what are the bases for the action?

3.) During the hearing, your Chief Counsel, Mr. Robert Terzian, made reference to the defense of "sovereign immunity". What is the relevance of this doctrine to Section 6 schools?

4.) In your testimony you made reference to an Office of General Counsel memorandum concerning the obligations of Section 6 schools to handicapped children. Please send us a copy of this and other memoranda concerning this subject.

Best regards.

Sincerely,

Pat Williams

DEPARTMENT OF DEFENSE
OFFICE OF DEPENDENTS SCHOOLS
2461 EISENHOWER AVENUE
ALEXANDRIA, VIRGINIA 22331-1100

NOV 19 1985

Honorable Pat Williams
House of Representatives
Washington, D.C. 20515

Dear Mr. Williams:

This responds to your letter dated October 31, 1985, requesting information in reference to testimony presented before the Subcommittee on Select Education regarding the reauthorization of the Education of the Handicapped Act.

1. Is there a current need for Section 6 schools for children of military personnel stationed on bases in this country? The General Accounting Office is currently conducting a full review of funding alternatives for Defense stateside dependents' schools in response to the Military Construction Act of 1985. The report on this issue is scheduled to be given to Representative Ronald V. Dellums' Subcommittee on Military Installations and Facilities in March. The actions by this subcommittee will determine the future status of these schools.

2. Do parents have the right to a due process hearing? Do they have the right to bring a civil action against the Administrator of the Section 6 schools? If so, what are the bases for the action? A student's right to a due process hearing is defined in the State plan which has been prepared by the State in order to qualify for Federal funding consistent with Public Law 94-142. Thus, the precise nature of each student's right to sue will depend upon the specific process identified in each State plan.

3. During the hearing, your Chief Counsel, Mr. Robert Terzian, made reference to the defense of "sovereign immunity." What is the relevance of this doctrine to Section 6 schools? The doctrine of "sovereign immunity" prevents suits against the sovereign, be it a State or the United States, unless there has been a waiver of that immunity. Numerous statutes exist by which Federal sovereign immunity has been waived; for example, the Federal Tort Claims Act. There has been no express Federal waiver of sovereign immunity which relates specifically to Section 6 schools.

Despite this doctrine, numerous lawsuits have been filed against individuals which have eroded the traditional protection afforded by the doctrine of sovereign immunity. It is, therefore, more appropriate now to speak in terms of "qualified immunity" from suit. This doctrine does not prevent the filing of a suit against a Federal official, but it may make actual liability difficult to establish. Generally, liability may be said to exist when the conduct giving rise to the complaint is not done under color of law, or within the scope of one's official duties. Thus, one cannot be immune if one's conduct is outside his/her statutory or constitutional duties.

In the context of Section 6 schools, the doctrine of sovereign immunity provides a first line of defense against a lawsuit filed against the Federal Government for a failure to meet a requirement of Public Law 94-142. If a Federal court should rule that sovereign immunity does not bar a suit against the United States or a U.S. Section 6 official, the Federal officer will still have the protection of the doctrine of qualified immunity. Section 6 teachers have been found by several courts to be Federal employees for retirement and certain other civil service benefits. It is conceivable that a Federal teacher could be sued for a violation of Public Law 94-142. There has been no court determination of liability in such an instance. However, it is probable that the defense of qualified immunity would protect the teacher so long as the teacher complied with the State plan.

In all suits filed against a Federal official acting within the outer limits of his/her authority, the Department of Justice will appear on behalf of and represent that official.

Since Section 6 schools are operated by local school boards, and since the State plan is executed under the supervision of the local school board, the school board is the more likely target of any lawsuit alleging a failure of compliance with Public Law 94-142.

I hope my comments will be helpful to you and to the members of your subcommittee.

Sincerely,

Beth L Stephens

Beth Stephens, Ph.D.
Director

Mr. WILLIAMS. Our thanks to you, Dr. Stephens, and Mr. Abramson and Dr. Scales. You have been very helpful today.

This concludes this oversight hearing for the day of the Subcommittee on Select Education.

[Whereupon, at 11:44 a.m., the subcommittee was adjourned.]

REAUTHORIZATION OF THE DISCRETIONARY PROGRAMS UNDER THE EDUCATION OF THE HANDICAPPED ACT

WEDNESDAY, OCTOBER 23, 1985

House of Representatives,
Subcommittee on Select Education,
Committee on Education and Labor,
Washington, DC.

The subcommittee met, pursuant to call, at 1:10 p.m., in room 2257, Rayburn House Office Building, Hon. Pat Williams (chairman of the subcommittee) presiding.

Members present: Representatives Martinez, Goodling, and Bartlett.

Staff present: S. Gray Garwood, staff director; Robert Silverstein, majority counsel; Colleen Thompson, clerk; David Esquith, minority legislative associate.

Mr. Williams. Let me call this meeting of the subcommittee to order.

Although our ranking minority member is not yet with us, he will be and rather than delay our witnesses any longer, I want to welcome each of you to this third in a series of hearings on reauthorization of the Education of the Handicapped Act. Previous hearings have focused on preschool, secondary, transition, and postsecondary services provided under the discretionary programs and the delivery of special education services in rural communities and states.

The focus of today's hearing is on the training of parents and hearing examiners, research and personnel preparation under the discretionary programs, and provisions in the law pertaining to State administration, particularly the set-aside for State administration and data collection requirements.

With respect to parent training, it would be helpful for the members of the subcommittee to learn more about how the 1983 amendments establishing and setting aside funds for parent training centers is operating. What changes, if any, need to be made to improve this provision?

With respect to the training of hearing examiners, it may be that not enough is known about State and local policies pertaining to hearing examiners. This is a serious deficiency because of the important role hearing examiners play in resolving complaints filed by parents or school officials under Public Law 94-142. It is our hope we can learn more about the training that these individuals receive as well as other aspects about how they function.

With respect to personnel preparation, we are interested in learning more about, first, the current and future needs for personnel preparation for the handicapped; the second, characteristics, conditions and contexts in which personnel preparation in higher education occurs, initiatives by professional associations and accreditation bodies as well as initiatives by State departments of education; third, whether part D constitutes a coherent national program, has continunity and consistency, adequately focuses limited resources, and recognizes the role of leadership training, recruitment, innovation, and experimentation.

With respect to State administration, the members of the subcommittee would appreciate suggestions about how to permanently address the small State set-aside. We would also appreciate any information you could share with us on the data collection provisions that were added 2 years ago.

We look forward to hearing the testimony from each of you, and I will first call Dr. Cullar and Ms. Eklund to the witness table. Dr. Cullar is the chief of the bureau for education for exceptional students, Department of Education in Florida; and Judy Eklund is the school services coordinator, special education unit, Vermont Department of Education.

STATEMENTS OF WENDY M. CULLAR, CHIEF, BUREAU FOR EDUCATION FOR EXCEPTIONAL STUDENTS, FLORIDA DEPARTMENT OF EDUCATION; AND JUDY EKLUND, SCHOOL SERVICES COORDINATOR, SPECIAL EDUCATION UNIT, VERMONT DEPARTMENT OF EDUCATION

Mr. WILLIAMS. Dr. Cullar, let's start with you.

Ms. CULLAR. Thank you, Mr. Chairman.

I have submitted written testimony to you, and I wish to just highlight a few sections of that testimony and, of course, I would be most willing to answer any questions that you might have.

I think it is very important that the local, State, and Federal partnership be maintained to improve special education related services for America's handicapped children, and we must also preserve the concept that the decisions made relating to a child's education must be made as close to the child and the child's family as possible. This means at the school district level. We must support and encourage parents, teachers, administrators, and school board members to make the individual decisions that will increase the learning opportunities of handicapped students.

As the national education reform movement has focused on secondary education, resulting in high quality standards for curriculum and teaching as a nation, we must also focus on the quality of curriculum and teaching in special education in each school building and each school district. I believe that the Education of the Handicapped Act is a well-balanced act as it has evolved over the last several years. It is well balanced between services, research, and training.

I suspect the major question facing you would be why should we continue a major Federal role in the education of the handicapped. I must urge you to recognize that we have just begun. You will hear many accolades of what has happened this last 10 years and they are important years, but we have dealt mostly with quantity, with procedure, little with quality. I am talking about the quality of actual student performance: learning to read, to write, to have independent skills, to have work skills and to have the skills that are prerequisite for higher education.

The Federal partner must continue to share in the cost of educating handicapped students. Incremental increases must be made for school age students, but I would urge you to pay particular attention to the preschool incentive grant program. The research and the model programs have demonstrated the results of these programs, and as a nation access to preschool programs must become a reality for every handicapped child. I believe that the Federal Government must regain an important role it has played in the past in the area of research and training. The vitality of our programs are contingent upon new ideas and new applications. The Federal partner must also regain its leadership role in focusing substantive knowledge on substantive issues that can change what happens in the classroom and in the life of a handcapped child.

Assistant Secretary Will deserves a great deal of credit and commendation for her leadership in the expansion and improvement of transition services, and we must continue that, particularly a focus on secondary education.

I believe, however, an overriding principle for administering the Federal discretionary grants must be to assist State and local governments to become as self-sufficient as possible. In practical terms that means relating the discretionary grants directly to the State plan for the education of exceptional students or handicapped students or to assure that the discretionary grants demonstrate that they will expand or improve the policies in the State plan for the education of handicapped children.

A couple of the specific sections of the Act I would like to reference. The extension that Congress permitted for the preschool incentive grant funds to be used for handicapped children below age 3, I highly commend. I would urge you, however, to now provide the additional incentive to allow States to count those children that are served and, therefore, be eligible to generate additional funds for that State. I believe the collaborative efforts among medical, educational, and human services agencies are beginning to bear fruit, and we need more equal access to early intervention programs.

I would also suggest you review the provisions of the law related to the 12-percent cap on the number of students that may receive funds. I would recommend that you maintain the 12-percent cap, but adjust the ages in the total population and the ages of the handicapped students that are compared. This could either be done by comparing the 5 to 17 total population where the 5 to 17 are served or another option would be to compare the number of handicapped children served within a State regardless of the age or with a specified age such as a State may serve 2 to 21 and then that would be compared to the total population 2 to 21.

I would recommend, however, the first option of the 5 to 17. If that was applied to the State that is currently serving the most in terms of percentage, which is 12.56 percent, based on the figures that the State has submitted to the U.S. Department of Education, only the comparison of the 5 to 17, that State would report serving 11.7 percent of their 5 to 17 population.

The section of the law that was amended last time dealing with the evaluation, particularly the one dealing with data, I believe that it is very important that we have comparable data across local school districts and across States to assist program managers and policymakers to make better decisions about program effectiveness and resource allocation. Although the data requirements are extensive, they are doable; but I would recommend that Congress and the U.S. Department of Education allow a 3-year phasein for the collection and reporting of the new data and that the U.S. Department of Education accept responsibility for assisting State education agencies to adjust and expand their capacity in the area of data collection and data information systems.

One of the most important additions that was made in Public Law 98-199 was the addition that allowed the U.S. Department of Education to enter into cooperative agreements with State education agencies to evaluate the effectiveness of programs. I think that evaluation of programs should be the major thrust of a second decade of Public Law 94-142. This is a very important first step that allows and encourages State education agencies to build their capacity to do evaluation studies, to report the results and actually use the results in policy decisionmaking.

The regional resource centers have been very effective in assisting in the exchange of information across States, regardless of their size or their urban or rural nature. These kinds of services should continue.

In the section of the law providing for the deaf/blind, I would recommend since the majority of the deaf/blind school age children are moving through our schools now, that section of the law be combined with the section serving the severely handicapped. There would be no minimizing of the services for deaf/blind but it would maximize the resources for all severely handicapped students.

A topic that perhaps needs some additional attention is to increase the focus of discretionary funds on the area of education technology. Computers, assistive devices, and software have the potential for increasing the independent, productive, and leisure activities of the handicapped children and adults. However, these new technologies must not be used as toys but truly effective tools for learning and work. There is a lot of work to be done to integrate them effectively into the day-to-day classroom activity.

The momentum in secondary education and transition services has been tremendous, that momentum must continue. As model programs are instituted, I would urge that you move into the next phase as you did in early childhood, to require State plans, State implementation and State level development so that statewide policies can be changed to make transition more effective.

In part D of the Act, training personnel for education of the handicapped, I believe that training is an important Federal function to assure a supply of well-trained teachers. Over the next 5 years the Florida school age population will increase 11 percent. At the same time the number of young people 22 to 29 will decrease, that pool of individuals from which we draw most of our teachers. We are entering into a new era of retirees among the teachers. So I believe that we are just coming into the serious teacher shortage that folks have been talking about.

I would also recommend that you consider requiring a closer link between the allocation of the training funds within a State to the State's comprehensive system of personnel development and the data on teacher supply and demand.

Lastly, I would comment on the provision for research. The vitality of any of our enterprises can be measured by our willingness to invest in finding better ways to deliver service by new products and new procedures. The Federal investment in research in the education of handicapped children and youth is critical to the vitality of our field. I urge you to maintain this section of the law to be administered by the Office of Special Education Programs so that the research function can be appropriately integrated with the other functions of the office.

Thank you, sir.

Mr. WILLIAMS. Thank you.

[The prepared statement of Wendy M. Cullar follows:]

PREPARED STATEMENT OF DR. WENDY M. CULLAR, CHIEF, BUREAU OF EDUCATION FOR EXCEPTIONAL STUDENTS, FLORIDA DEPARTMENT OF EDUCATION

Mr Chairman and members of the committee, thank you for the invitation to testify on the reauthorization of the discretionary programs of the Education of the Handicapped Act and the administration of the Act by State education agencies.

I am currently the state director of special education for exceptional students (both handicapped and gifted students) in the Florida Department of Education. I have served in the Florida Department since 1966 except for the one year (April 1984-April 1985) I served as Director, Office of Special Education Programs, U.S. Department of Education. I also served as Prsident of the National Association of State Directors of Special Education in 1975-76.

The population of the State of Florida continues to grow and by 1989 the State is predicted to be the fourth largest state in population. The State represents a population of diverse backgrounds and with diverse needs. The Florida Legislature has been responsive to the needs of handicapped and gifted students having passed mandatory education legislation in 1968 to be phased in and fully implemented in 1973-74. The Florida Legislature has kept its commitment to support the requests of local school districts to serve handicapped and gifted students.

This partnership of local, state, and federal governments is critical to the maintenance and improvement of special education and related services for America's handicapped children. I would describe this three way partnership in the following terms. We must preserve the concept that decisions affecting a child's education be made as close to the child and the child's family as possible. This means at the school building and local school district level. We must support and encourage parents, teachers, administrators, and school board members to make the individual decisions that will increase the learning opportunities of handicapped students. As the national education reform movement has focused on secondary education, resulting in high quality standards for curriculum and teaching, as a nation we must also focus on the quality of curriculum and teaching in special education in each school building and each school district.

The State partner must be supported in its role of establishing standards, developing policy, monitoring, data collection and program evaluation. Although much good work has been done in the states these past 10 year we have just begun in assuring the quality of education for each handicapped student that is desired. The states and local school districts continue to provide for 90% of the cost of educating handicapped children.

The Federal partner must continue to share in the cost of educating handicapped students. Incremental increases must be continued for school aged students but I would urge you to double the increases for the preschool incentive grant program. The research and the model projects have demonstrated the results of these programs, and as a nation access to preschool programs must become a reality for every handicapped child.

The Federal government must also regain an important role it has played in the past in the areas of reserach and training. The discovery of new knowledge, the applications of new knowledge are critical to the ongoing improvement of the education of handicapped children. All states and all school districts cannot have the capacity to conduct basic scientific research nor to systematically apply and evaluate new techniques in well designed studies. This role must be continued and enhanced at the federal level.

The Federal partner must also regain its leadership role in focusing substantive knowledge on substantive issues that can change what happens in the classroom and in the life of a handicapped child. Assistant Secretary Will, Office of Special Education and Rehabilitation Services, deserves credit and commendations for the leadership she has provided for the expansion and improvement of transition services and supported employment for handicapped persons. Her tenacious leadership is making a difference in state and local policy changes, resource allocations and in the quality of life for handicapped persons and their families.

Another example of this type leadership role is the symposium recently supported by the Office of Special Education Programs in August, 1985, at the request of the Council of State Consultants for Speech Programs. The symposium brought together state education personnel responsible for speech and language programs and state education personnel responsible for programs for severely handicapped students. Together with researchers from higher education, representatives of professional organizations (American Speech, Language and Hearing Association, The Association for Persons with Severe Handicaps, and the Council for Exceptional Children: Division for Children with Communications Disorders) and local school district administrators. By reviewing new research findings and the evaluation of experimental programs, state education personnel can upgrade program standards to improve the communication skills of severely handicapped children and youth.

An overriding principle for administering the federal discretionary grants should be to assist state and local governments, institutions of higher education and community agencies to develop the capacity to serve handicapped children and adults in more self sufficient ways. In practical terms this would mean requiring that discretionary grants demonstrate a compatibility to the State Plan for the Education of Handicapped Children or that a proposed discretionary grant will enable a state to expand or improve the policies in the State Plan for the Education of Handicapped Children.

Now let me comment on specific parts of the Education of the Handicapped Act.

SUBCHAPTER I—GENERAL PROVISIONS

National Advisory Committee on Handicapped Children and Youth

This section of the laws has yet to be implemented. The law also requires each state to have a State Advisory panel which has been implemented. These panels must continuously identify the unmet needs of handicapped children and youth in the State and these discussions serve as important public forums. Such a national public forum could do so much to focus attention on the learning needs of handicapped preschoolers, school aged students and students in transition to work and post secondary education. This section should be either implemented or deleted from the law.

Grants for the removal of architectural barriers.

States and local school districts have not received the benefits of this section of the law nor the funds appropriated. Implementation of this part of the Act could help speed the implementation of programs in less restrictive environments.

SUBCHAPTER II—ASSISTANT TO STATES

I have commented earlier on the important partnership among local education agencies, state education agencies and the federal government and this partnership must continue. I commend Congress for extending the use of the preschool incentive grant funds to handicapped children below age three. I would now urge you to provide the incentive by allowing students below age three to be counted to generate funds for the preschool incentive grant. The collaboration efforts among the medical, educational and human services agencies are beginning to bear fruit. These efforts must be supported so that all handicapped children born in these United States have equal access to early intervention programs.

There are two provisions of these requirements placed on states that need increased federal leadership and federal monitoring. The first is the requirement for a comprehensive system of personnel development, and secondly the requirement for the identification, location and evaluation of all handicapped children. The provisions of the federal law in both these instances are quite adequate and ten years ago much good work was done in the states to implement these provisions. However, now in 1985 the conditions are much different. There are new issues in teacher education and the teacher supply must be increased. In many ways our interagency collaboration has improved and multidisciplinary services to families is a reality. But the new information technologies need to be applied to the child identification systems.

I would also suggest that you review the provisions of the law related to the 12% cap on the number of students served. I would recommend that you maintain the 12% cap but adjust the ages of the total population and the ages of the handicapped students compared so that the ages were comparable. This could be done by either comparing the number of handicapped students ages 5 to 17 to the total population 5 to 17, or by comparing the number of handicapped students in the age range served by a state (for example, in Florida that would be 0 to 21) to the total population ages 0 to 21. Since states are now reporting to the Office of Special Education Programs students by individual ages, I recommend the first option.

Evaluation

I would commend Congress for its amendments to this section P.L. 98-199. Comparable data across local school districts and across states are needed to assist both program managers and policy makers to make better decisions about program effectiveness and resource allocations. Although the data requirements are extensive, they can be provided if both Congress and the U.S. Department of Education will allow a three year phase-in in the collection and reporting of the new data and will also accept the responsibility to assist states in developing both their human and material capacity to produce these data. All states should be provided technical assistance in data collection procedures and methods for adjusting current information systems.

On of the most significant additions to EHA by P.L. 98-199 was allowing the U.S. Department of Education and state education agencies to enter into cooperative agreements for the purpose of conducting program evaluation studies. The evaluation of programs should be the major thrust of the second decade of P.L. 94-142. The first step in this process is that through these discretionary grants to state education agencies, capacity can be built to conduct evaluation studies, to effectively report the results and to use the results in improving the learning opportunities for handicapped children and youth at the local, state and national levels.

SUBCHAPTER III—CENTERS AND SERVICES TO MEET SPECIAL NEEDS OF HANDICAPPED REGIONAL RESOURCE CENTERS [RCC]

These centers continue to provide valuable assistance to state education agencies and assist in equalizing the professional and technical resources among large and small, rural and urban states. They are serving to facilitate the exchange of information on both effective and ineffective policies and practices. The time in the life of a handicapped child is too precious. We must quickly learn from our achievements as well as our mistakes and the RRCs provide the vehicle for this.

Services for Deaf-Blind Children and Youth

As a majority of the deaf-blind school aged children from the rubella epidemic move through the schools and the number and complexity of the various categories of severely handicapped children increase in the schools, this is the ideal time for Congress to combine into this section the provisions for severely handicapped children and youth under section 624. This in no way should minimize services to deaf-blind students but rather maximize the use of resources for all severely handicapped students.

Early Education for Handicapped Children

The provisions added to this section by P.L. 98-199 were very appropriate as the next logical step in incorporating the results of research and model programs into the policy and practices of state and local education agencies. The emphasis on state planning, development, and implementation should be maintained.

Educational Technology

Increased discretionary funds need to be available to state and local education agencies to develop and implement procedures to effectively integrate the new technologies into the curriculum and classroom activities. Computers, assistive devices, and software have the potential for increasing the independence, production, and happiness of handicapped children and adults. But these new technologies must not become just expensive toys but truly effective tools for learning and work. Classroom teachers and other professionals need access to the new technology, curriculum materials, in-service training and managment techniques to ensure efficient and effective use of the new technologies.

Secondary Education and Transitional Services for Handicapped Youth

The momentum must be continued for the improvement of secondary programs and transitional services for handicapped youth. Once program models have been demonstrated I would recommend that discretionary grants to all states for planning, development and implementation be added as you did in the early childhood program. Statewide implementation of transitional services must be accomplished as quickly as possible and this is more efficiently done if state policy and resource allocations are effected.

In addition, I would share with you the concerns expressed to me by many parents in Florida, and that is limited adult education, support services in post secondary education progrms and adult services from state and community agencies. As you review federal laws related particularly to adult education and post secondary education, I would urge you to make provisions for more participation of handicapped students.

Training Personnel for Education of the Handicapped

You have for the past several years received a great amount of data about the training needs of special educators, administrators, and parents. I cannot emphasize to you enough the real teacher shortages that exist and that will increase in the next five years. Specifically in Florida the school aged population will grow 11% from now to the 1989-90 school year while at the same time the number of young people ages 22-29 will decrease. This is the age group from which mot of our teachers come. Also within the next five years a much higher percentage of teachers will retire. Teachers who began their teaching careers in the late fifties and early sixties.

Training is an important federal function to ensure a supply of well trained teachers. I would recommend that you consider requiring a closer link between the allocation of funds within a state to the state's Comprehensive System of Personnel Preparation and the data on teacher supply and demand.

Research in Education of the Handicapped

The vitality of an enterprise can be measured by its willingness to invest in finding better ways to deliver its services and new products and procedures. The federal investment in research in the education of the handicapped children and youth is critical to the vitality of our field. I urge you to maintain this section of the law to be administered by the Office of Special Education Programs so that the research function can be appropriately integrated with the other functions and programs of the Office.

Mr. WILLIAMS. Ms. Eklund.

Ms. EKLUND. Mr. Chairman, on behalf of the Vermont Department of Education I would like to thank you for this invitation to share our views on the Education of the Handicapped Act, specifically, as your letter requested, our perspective on State administration of the Act, including set-aside funds, data collection requirements, discretionary programs and the regional resource centers.

The Vermont State Board of Education believes that service to local school districts should be the first and foremost role of the Vermont Department of Education. Technical assistance requests from parents, local administrators, and teachers have continued to increase under Public Law 94-142. Being a small and relatively poor State, local districts have not been able to employ extra layers of personnel to deal with the administrative aspects of Public Law 94-142. Consequently, they rely heavily on a strong special education technical assistance unit in the State government which is largely funded by the Federal Government. To continue to carry out our administrative responsibilities to the fullest, Vermont supports the amendment to Public Law 94-142 which would raise the administrative set-aside for small States. Whether it is Vermont, Illinois, New York, or California, the administrative responsibilities are the same. Yet, for example, California can draw on 15 times more Federal funds than Vermont to carry out the administration and oversight functions.

With the amount fixed at $300,000 for the last 5 years, and given a 30-percent increase in State salaries over 5 years, we have had fewer real dollars to use for administration. Without this increase we will have to look over the next 2 years to cutting back State personnel.

The discretionary dollars available through the 25 percent set-aside has allowed Vermont to promote programs for underserved children: handicapped preschool programs, programs for emotionally disturbed adolescents and children who are hearing impaired. We have been successful in replicating these programs in various regions in the State and securing State funds. These Federal funds have been critical in program development, and we urge your continued support for the flexible use of these dollars.

In regard to data requirements, at all administrative levels Public Law 94-142 has evoked cries of protest about paperwork. There certainly were no cheers this past spring when we announced to local administrators that their data collection requirements were about to be increased. This year's Federal data forms and accompanying instructions number more than 60 pages. To complete the forms at the end of the 1984-85 school year took 160 person hours in State personnel alone. One table has nearly 2,500 data cells: 12 age groups times 18 related services times 11 handicapping conditions. It would not be an imposition on our time to report to Washington the number of handicapped children served in various types of instructional settings. However, it becomes a substantial imposition on local special educators' time when they must look up the specific age and handicapping condition for each child.

Regarding the data requirements to be collected on students leaving school, we feel these are critical. This requirement is critical and important. However, the requirement should more closely parallel the transition process which Assistant Secretary Madeleine Will has promoted, reducing the number of categories from 17 to 5.

In relationship to regional resource centers, we urge continued support for the RRC's. For Vermont, with limited administrative resources, the Northeast Regional Resource Center has provided us assistance in many areas, including program evaluation, secondary programs, legal issues and policy development and much more. We view the resource center as the arm of the Federal Government which links us with current research and best practices that are available nationally.

As Dr. Cullar referred to, there certainly still are unmet needs. There are clearly areas in which Public Law 94-142 does not go far enough in its protection of handicapped children. Hundreds of Vermont's preschool children who qualify for and greatly need early intervention must wait in the shadows until the age of 6 to receive special instruction and related services. Some 85 percent of the handicapped under 3 receive no special education; 30 to 40 percent of handicapped children under 6 are not served. This week we learned of a child approaching the age of 3 who has been hidden in a upstairs crib since birth. He was brought to the kitchen for feeding once or twice each day. Otherwise, he was totally isolated. His teenage mother who shares the substandard dwelling with her father has had no help or guidance whatsoever in rearing her handicapped son. As a consequence, her child has severe language, motor, social, and intellectual deficits. Unfortunately, the community in which this severely neglected child lives has no preschool services, does not screen preschoolers and does not conduct child find activities for children under the age of 6. This neglect will continue as long as Federal and State laws remain permissive with respect to meeting the needs of handicapped young children.

We strongly support the amendment of Public Law 94-142 which would require States to serve handicapped children in the 3-to-5 age range and would require the identification and tracking of moderately and severely handicapped children from birth.

In conclusion, we urge the Select Education Subcommittee to sustain the all important Federal commitment to the vital principles of Public Law 94-142: individualized programming, placements in least restrictive environments, nonbiased testing, parental involvement, informed consent, independent evaluations, and fair due process hearings. We can point to thousands of children who have benefited from these key provisions of Public Law 94-142. Such benefits, however, are far from being fully integrated into public education. Your continued support of these principles is paramount to the full incorporation into the fabric of education in Vermont and elsewhere.

Thank you.

[The prepared statement of Judy Eklund follows:]

PREPARED STATEMENT OF JUDY EKLUND, SCHOOL SERVICES COORDINATOR, SPECIAL EDUCATION UNIT, VERMONT DEPARTMENT OF EDUCATION

INTRODUCTION

The Education of All Handicapped Children's Act, P.L. 94-142, has been a positive driving force in the expansion and improvement of special education in Vermont. A few statistics illustrate its dramatic impact. In 1975, the number of handicapped children and youth in Vermont receiving special education services was 4,000. The large majority of these students were served in segregated schools which were administered by private boards of parents and concerned citizens. With the advent of P.L. 94-142 and its implementing regulations, there was a 50% increase in the number of children served in special education. State funding for special education increased by 100% following the enactment of P.L. 94-142. Between 1975 and 1979, state support grew by increments of 9%, 21%, 32%, and 40%.

Following P.L. 94-142, the responsibility for educating handicapped children shifted from the charitable private sector to the empowered public sector, from community-minded laypersons to superintendents of schools. In 1976, only a handful of Vermont superintendencies employed individuals to oversee the education of handicapped children and youth, to work with parents, and to advocate for individual students. Today, all superintendencies employ a full-time special education overseer.

Without question, P.L. 94-142 has changed the quality of special programs and services for Vermont's 10,000 handicapped children and youth. We urge you as national policymakers to continue unabated in your support of the important principles and policies set forth by the Education of All Handicapped Children's Act.

We appreciate greatly the opportunity to addresss our views on the administration of the Act by state education agencies, including the administrative set-aside, data collection requirements, discretionary programs, regional resource centers, and current and future problems affecting handicapped children and youth.

ADMINISTRATIVE SET-ASIDES

The Vermont State Board of Education believes that service to local schools should be the first and foremost role of the Vermont Department of Education. Our consultants are hired because of their ability to give technical assistance to local schools. Consultants are expected to spend on the average three days per week in providing technical assistance to the field. The need for technical assistance has increased measurably under P.L. 94-142. Administrators, teachers, and parents have needed great amounts of training, ongoing legal advice, and day-to-day assistance in complying with the provisions of the Act. Being a small and relatively poor state, local school districts have not been able to employ extra layers of personnel to deal with the administrative aspects of of P.L. 94-142. Our local districts have relied heavily on the State for assistance in implementing this unique educational law. P.L. 94-142 has created a need for this unique educational law. P.L. 94-142 has created a need for a strong special education technical assistance unit in state government, one that is supported in fair measure by the federal government.

Vermont fully supports an amendment to P.L. 94-142 which would raise the administrative set-aside under Part B from $300,000 to $450,000 for small population states. It takes nearly as much manpower in Vermont as in California, New York, or Illinois to put together a State Plan for Special Education, to design a child count system, to develop monitoring manuals, to train hearing officers, to write legal decisions, and to complyin other ways with the Act. It is not right that Vermont is allowed $300,000 to carry out these law-related functions while California, New York, and Illinois are allowed to spend up to 5% of their entitlements on administration of the Act which amounts to 5.0, 3.4, and 2.9 million dollars respectively. California can draw on 15 times more federal funds than Vermont which has to carry out the same administrative and oversight functions with respect to P.L. 94-142.

We fund six professional positions using the $300,000 administrative provision. We also pay for hearings, appeals, and other law-related activities. Salaries have increased by 30% since the $300,000 cap was set in 1980. If state salaries had kept pace with public school salaries, they would have increased by 50% since 1980. Because the amount of administrative dollars has remained fixed at $300,000 for the past five years, it means, in essence, that we have had fewer and fewer real dollars to carry out the administrative functions of P.L. 94-142 and its technical amendments (P.L. 98-199).

DISCRETIONARY FUNDS

Vermont has used the 25% discretionary funds primarily to support programs for underserved populations. We have developed a model day treatment program for seriously emotionally disturbed youths. We subsequently have replicated the program in three regions using state funds. We also have developed a model program for hearing impaired youths, both preschool and school aged children. This highly successful program has since been replicated in other regions using state funds.

DATA REQUIREMENTS

At all administrative levels, P.L. 94-142 has evoked cries of protest about paperwork. We can only hope that there is a touch of hyperbole in the numerous claims that handicapped students are being denied instructional time because their teachers are caught up in paperwork. Certainly, there were no cheers this past spring when we announced to local administrators that their data collecting requirements were about to be greatly increased. This year's federal data forms and accompanying instructions number more than 60 pages. To complete the forms at the end of the 1984-1985 school year, it took 160 person hours in state personnel alone. One table has nearly 2,500 data cells: 12 age groups times 18 related services times 11 handicapping conditions. Another table has 550 data cells; another 396. It would not be much of an imposition on our time to report to Washington the number of handicapped children served in various types of instructional settings (resource rooms, special classes, and so forth). A quick review of rosters would suffice. It becomes a substantial imposition on special educator's time, however, when they must look up the age and handicapping condition for each child—particularly in a state that places and serves students according to their individual needs, not their handicapping conditions.

By requiring data on services that students will need after leaving school, the government is making us take a snapshot of students at a very critical time in their lives—the point of transition from school to community life. We feel strongly that the data being requested at the time of exit should more closely parallel the transition process which Assistant Secretary Madeleine Will has promoted. The information which would be most helpful and also the easiest for special educators to collect include the following five categories rather than the 17 now required:

1. Time limited vocational services.
2. Ongoing vocational services.
3. Residential services.
4. Post-secondary education services.
5. No special services.

Many of the current categories (17 in all) are not understood and are not commonly in use in education. Items such as "mental restoration", "evaluation of vocational rehabilitation services", "post employment", "maintenance", "technological aids", and so on, are not clear, and will not be particularly helpful to other agencies inasmuch as the data collectors do not understand the concepts about which they are gathering information.

UNMET NEEDS

There clearly are areas in which P.L. 94-142 does not go far enough in its protection of handicapped children. Hundreds of Vermont's preschool children who qualify for and greatly need early intervention must wait in the shadows until the age of six to receive special instruction and related services. Some 85% of the handicapped children under three receive no special education services in Vermont; 30% to 40% of the handicapped children under six are not served.

This week we learned of a child, approaching the age of three, who has been hidden in an upstairs crib since birth. He was brought to the kitchen for feeding once or twice each day; otherwise he was totally isolated. His teenage mother, who shares a substandard dwelling with her father, has had no help or guidance whatsoever in rearing her handicapped son. Consequently, her child now has severe language, motor, social, and intellectual deficits. Unfortunately, the community in which this severely neglected child lives has no preschool services, does not screen preschoolers, and does not conduct child find activities for handicapped children under the age of six. This neglect will continue as long as federal and state laws remain permissive with respect to meeting the needs of handicapped young children.

We strongly support an amendment of P.L. 94-142 which would require states to serve handicapped children in the three to five age range and which would require the identification and tracking of moderately and severely handicapped children from birth.

REGIONAL RESOURCE CENTERS

The Northeast Regional Resource Center has been extremely responsive to our program assistance needs. We view the Resource Center as the technical assistance arm of the federal government because they provide timely and high quality inservice training and technical assistance which would otherwise not be available to us. The Resource Center has provided assistance to Vermont in many areas, including: program evaluation, secondary programs, legal issues/policy development, learning disabilities, parent/professional partnerships, computer and equipment technology, and much more.

We urge continued support for the Regional Resource Centers. For Vermont, with limited administrative resources, the Center's capacity to link us to current research, policy development, and best practices greatly improves our ability to service local districts.

CONCLUSION

We urge the House Select Education Subcommittee to sustain the all-important federal commitment to the vital principles of P.L. 94-142: individualized programming, placements in least restrictive environments, non-biased testing, parental involvement, informed consent, independent evaluations, and fair due process hearings. We can point to thousands of children who have benefited from these key provisions of P.L. 94-142. Such benefits, however, are far from being fully integrated into public education. Your continued support of these principles is paramount to their full incorporation into the fabric of education in Vermont and elsewhere.

Thank you for the opportunity to comment on these important issues from a small state's perspective.

Mr. WILLIAMS. Thanks to both of you.

Ms. Eklund, you have expressed your concern about the data collection requirements. I must say that your description concerns me.

Dr. Cullar has approved of the data collection requirements added in 1983 but would phase them in over a 3-year period. Would that assist in the problem that you have, Judy?

Ms. EKLUND. Yes, it would. It would because we are not right now geared up to implement those requirements.

Mr. WILLIAMS. How long have you held your current position?

Ms. EKLUND. I have been with the Vermont Department of Education for 5 years.

Mr. WILLIAMS. Have the data collection requirements become more or less complex during that time?

Ms. EKLUND. I think that the new——

Mr. WILLIAMS. Coming from the Federal Government?

Ms. EKLUND. I think the new requirements, we see them as more complex.

Mr. WILLIAMS. You testified, of course, in support of increasing the small state set-aside from $300,000 to $400,000 or $450,000. Do you have any recommendations to make with regard to the long-term solution of the problem?

Ms. EKLUND. I think that, again, if it is raised from $300,000 to $400,000 it will give us some time to perhaps secure some State funding for personnel that may need to be lost. We have tried that. We have six professional physicians that are funded through the set-aside funds, and we have six that are State funded and we continue to try to move State personnel onto State dollars and that's a goal; but in terms of other administrative needs, within a year we would really be in a difficult situation.

Mr. WILLIAMS. Your Department of Education and, of course, the citizens of your good State are concerned that appropriate early intervention be provided to children. I would assume they would support the application of those early efforts to children below the age of 5 or below the age of 3. Why doesn't Vermont simply mandate that rather than asking the Federal Government to require you to do it? Why don't you do it yourselves?

Ms. EKLUND. We have been working in Vermont for a number of years and last year successfully passed mandatory kindergarten. I think it's a goal.

Governor Kunin certainly has an early education initiative which she has been working on since coming to office. Prior to that Governor Snelling also had an early education initiative. But the State dollars have not been there to back it.

Mr. WILLIAMS. I know that Congressman Jeffords is very interested in it and, by the way, intended to be here but, like many of us, he cannot clone himself and he has to be somewhere else but did ask if he was late I extend to you his apologies and his support for your work and the work of your colleagues.

The dilemma for us in Congress, of course, is that in this time of restricted budgetary flexibility and perhaps restricted national will in certain areas, many, perhaps the majority here in the Congress would prefer that the States resolve these problems that are so obvious such as the necessity to impact children at an ever earlier age not only for humanitarian reasons but because it is so economically sound to do so. Yet, for 7 years now I have listened with great interest and considerable sympathy as State witness following State witness has come and asked that the Federal Government do these sorts of things because North Carolina or Alabama or Washington State or Florida or Montana refuses to do it for themselves. Many of these people represent the same people who when Members of Congress go home say don't do us any more favors, we can't afford any more, get out of our business. Somebody is not listening to the right people. Whether it is Congress who wants to continue to tell Vermont what age children they shall serve or whether it is the folks in Vermont who say they want the Federal Government out of their business, I do not know, but you see the dilemma we have.

Understand now, I am not being critical of your request. In fact, as I indicated, I am sympathetic to it; but it does not seem to me to be the way that the National Government is currently moving, even though the experts that come before us to testify insist that we do these things.

Dr. Cullar, what may I assume from your testimony or why don't you just tell me what you feel or what you believe about the moving of the research component from OSEP to the newly reorganized OERI?

Ms. CULLAR. That is a proposal you are saying?

Mr. WILLIAMS. Yes.

Ms. CULLAR. Well, as I indicated in my testimony, the importance for integrating research, demonstration and service components are very critical; and for that reason I would see leaving the research activity in the Office of Special Education Programs. The relationship of the priorities and the discretionary, demonstration to the priorities in the research—you know, from a management point of view, organizations have to be cut up into groups and there is, in fact, no logical way to make the cuts. So I think you have to look at what is programmatically sound. I think in this case you are looking more at the program issues than some of the technical research issues.

Mr. WILLIAMS. I want to ask you this next question precisely because you are not from a small State but rather represent a heavily populated State. Does your State or do you know if any of the similarly populated States to yourself have any objection to the efforts to provide a permanent solution to the small State set-aside difficulty, the small State cap?

Ms. CULLAR. No. No opposition.

Mr. WILLIAMS. Do you have any suggestions as to how we might best do it?

Ms. CULLAR. Well, one idea might be to allow some flexibility between the 5 percent and the 20 percent. It is often not recognized that the definition of administration in the regulations for Public Law 94-142 include functions that we typically talk about that are support services functions. I would tie that provision, however, to the State plan process which would allow a small State who did not, say, for instance, generate $300,000, it would allow them to propose use of the 20 percent for those statewide functions, defined as administration, make it open to the public comment process and then subject to the review and approval of the U.S. Department of Education. I would certainly be supportive of that and would not be terribly upset if that same provision was not available to large States.

Mr. WILLIAMS. What is your State doing to try to resolve the coming teacher shortage, particularly in the area of your expertise?

Ms. CULLAR. Well, Florida has for over 20 years supported an out-of-field scholarship program that reimburses the tuition of teachers going into special education who are not fully certified and that is supported by State dollars. The legislature this past year created a teacher recruitment center. In fact, we will be holding a fair in Orlando this spring and inviting folks from throughout the country to come live in sunny Florida. School districts will be there with contracts that you may sign. We guarantee sun and sand and small salaries. [Laughter.]

Mr. WILLIAMS. Are you inviting adults with children or just adult teachers to increase the student population of Florida and therefore make the ratio even more difficult than you anticipate it to be? [Laughter.]

We appreciate both of you being here with us today. Thanks very much.

[Committee insert follows:]

COMMITTEE ON EDUCATION AND LABOR,
SUBCOMMITTEE ON SELECT EDUCATION,
Washington, DC, October 31, 1985.

JUDY EKLUND,
School Services Coordinator, Special Education Unit, Vermont Department of Education, State Capitol Office Building, Montpelier, VT.

DEAR MS. EKLUND: Thank you for taking the time to present testimony before the Subcommittee on Select Education regarding the reauthorization of the Education of the Handicapped Act. Your testimony was extremely helpful.

Because of the number of witnesses testifying at the hearing, I was unable to ask several questions that are of interest to me. I would appreciate it if you would answer the questions set out below. The hearing record will be open until November 15 to include your responses to these additional questions.

(1) You testified in support of increasing the small state set-aside from $300,000 to $450,000. I question whether this will provide a permanent solution to the problem we all recognize that small states are facing. Do you have any other recommendations that may provide a more long-term solution that will not result in the need for Congress to revisit the issue again in several years?

(2) Please expand on your recommendation for mandating preschool education in all the states for handicapped children ages 3-5.

Best regards.

Sincerely,

PAT WILLIAMS.

STATE OF VERMONT,
DEPARTMENT OF EDUCATION,
Montpelier, November 15, 1985.

Representative PAT WILLIAMS,
Committee on Education and Labor, U.S. House of Representatives, House Office Building Annex #1, Washington, DC.

DEAR REPRESENTATIVE WILLIAMS: Again, thank you for the opportunity to present testimony on the reauthorization of the Education of the Handicapped Act. In response to your letter of October 31, 1985, I hope that the information below will be helpful.

Increasing the small state set-aside from \$300,000 to \$450,000:

As you pointed out at the hearing, an increase in the administrative set-aside from \$300,000 to \$450,000 is not a permanent solution. Given the grim fiscal picture at the federal level, it is unrealistic for states to expect increased federal support. Perhaps the only solution at this point in time is to allow small states additional flexibility within their 25% allotment for discretionary programs and administration.

Mandating preschool education for handicapped children ages 3–5:

Early identification and intervention for handicapped children is an area in which P.L. 94-142 does not go far enough. As I stated in my testimony, some 85% of the handicapped children under three receive no special education services in Vermont; 30% to 40% of the handicapped children under six are not served. Of all areas of education, the research is clear in support for early intervention as an investment that will pay off. In Vermont, the cost of providing services to a preschool handicapped child averages 50% less per student than services for handicapped students at the high school level. Providing preschool services will not eliminate the need for later special education services but may diminish the need for very intensive services.

In Vermont, we are slowly building preschool programs. Over the past four years, we have secured state support to begin one to two new programs each year. There is support in Vermont for early education for all children, however, program growth is slow to meet the needs of the unserved children. Federal support in this critical area of underserved handicapped children would quicken the pace of program development.

Sincerely,

JUDY EKLUND,
Coordinator, School District Services, Special Education Unit.

Mr. WILLIAMS. Winifred Anderson and James Rosenfeld.

Mrs. Anderson is a Parent Education Advocacy Training Center representative from Alexandria, VA; and Mr. Rosenfeld is with the CRP Publishing Co. in Alexandria.

STATEMENTS OF WINIFRED GUTHRIE ANDERSON, PARENT EDUCATION ADVOCACY TRAINING CENTER, ALEXANDRIA, VA; AND S. JAMES ROSENFELD, CRP PUBLISHING CO., ALEXANDRIA, VA

Mr. WILLIAMS. Ms. Anderson, please proceed.

Ms. ANDERSON. Mr. Chairman, I am Winifred Guthrie Anderson, and over the past 14 years I have directed programs under the handicapped children's early education program and the current parent organization projects.

Prior to 1978 I was director of the Resurrection Center in Alexandria, VA. This federally funded demonstration and outreach project integrated preschoolers with handicapping conditions with their nonhandicapped peers. Parent participation in the classroom was required because of our belief that parent education along with children's education brings children as far as they can go down their developmental pathways.

As parents of disabled children left the preschool program and moved into the maze of the public school system, they had difficulty finding their way. As a result of that in 1978 several colleagues from the Resurrection Center and I founded the Parent Education Advocacy Training Center. Since then our staff has trained several thousand parents of students in special education and have included many educational professionals in our training groups.

Since 1981 we have prepared 96 teams of parents and professionals who, in turn, have conducted educational advocacy courses for parents, primarily in Virginia, West Virginia, and Maryland. These teams have been sponsored by State education agencies, local education agencies, and many nonprofit organizations. An example of one of the teams at work in our rural locality in Virginia is shown in a newspaper article on the last page of my written testimony.

In addition to being the author of many articles with my colleagues, Stephen Chitwood and Deidre Haydenn, I have written a book entitled "Negotiating the Special Education Maze: A Guide for Parents and Teachers," published by Prentice-Hall. This book has been circulated to over 7,000 families in the United States. I offer this background of my work to provide the committee with the perspective from which my testimony has been developed and from which it must be evaluated. Equally important, I offer this history as evidence of the postive contributions which Federal leadership in the field of special education has achieved over the past 15 years.

I would use the minutes allocated for my oral testimony to highlight the three recommendations found in my written testimony.

Our first recommendation is for joint training programs for parents and educators. Until Congress enacted the Education for the Handicapped Act, parents were excluded from decisionmaking regarding their children's special education. EHA has provided rights to parents for notification, consent participation, and challenge. It protects children from misclassification and arbitrary or inappropriate placement in school programs. Between 1977 and today 50 parent training and information centers have received Federal funds to establish centers and to provide services to parents in 32 States and territories. The funding for these centers is currently under the 1983 amendments, Public Law 94-199. All of these centers provide training courses for parents and support services to help them exercise their rights under EHA. Studies both from our center and from other parent centers reflecting educators' and parents' opinions show that parents who have attended training courses are more effective when working with school officials on behalf of their children.

Problems remain, however. Negative attitudes, either perceived or real between parents and school professionals, have recently been reported. Training programs are needed which unite parents and educators and provide opportunities for mutual learning, opportunities to build cooperative, supportive partnerships.

In our experience the parent-educator partnership is realistic. It is working in many communities.

Careful reading of the grant guidelines, however, under personnel preparation leaves significant ambiguity concerning joint training of parents and educators. There are provisions for training parents here, training teachers there, training administrators elsewhere; but providing training for members of a team in isolation, one from the other, does not enable them to work together, does not build collaborative teams. Therefore, our first recommendation to the subcommittee is that language in the law, regulations, and program guidelines be clarified to allow for parent centers to provide joint training sessions for parents and educators.

Additionally, we recommend language be added to the law to promote joint training programs through parent centers, State and local education agencies and institutions of higher education. Such training will advance positive attitudes and the cooperative partnership envisioned by the Handicapped Act and expressed in the following letter from a father who took a parent training course in Charles County, MD. This man wrote:

> I have to admit that before I started the course I had a bad feeling toward the school system. When I went to the first meeting about my son's education, I was scared and worried. I knew nothing about the IEP program. Now that I have completed the course, I have a whole new outlook on the Charles County school system.

Our second recommendation concerns the allocation of funds for parent training and information centers. Needless to say, like every other program I believe a significant increase in funding for parent organization projects is needed to provide adequate training and information to all parents in the nation. Given the current funding levels, however, Congress should direct that a critical mass of funds be awarded to those parent centers who demonstrate two capacities: First, an ability to collaborate with State and local education agencies, institutions of higher education and other consumer groups in providing training and information services; the second criterion for the centers is the capability to reach out to all families across diverse geographical areas and within diverse cultural, ethnic, and income groups. Rather than elaborate further on this second recommendation, I will pass on to my third one in the essense of time.

The final recommendation we make supports stricter compliance standards for least restrictive placement. At this time the Office of Special Education and Rehabilitative Services is developing stricter compliance standards for placement of students in the least restrictive environment. We recommend that the subcommittee support this critical effort by monitoring closely through its oversight functions the achievement of least restrictive placements throughout the school life of all exceptional students. Students whose school lives are sheltered in segregated classrooms or buildings cannot be prepared to assume independent, productive lives when they leave school to move into community life.

Despite gains made in the last 10 years in educational programming for special education students, many of them continue to be excluded from integrated educational opportunities. There are too many lovely new school buildings where one finds only severely handicapped students. The classrooms for teenages with disabilities are still in separate wings of elementary schools. Time after time children are placed in certain classrooms simply because of their disability label.

As students grow older another pressing restrictive placement issue is reported by parents. Their children with disabilities most often are excluded from regular vocational education. Clearly the Education for the Handicapped Act includes vocational education as one form of regular education for which handicapped students are eligible. Parents continually report that the entry point into regular vocational education is usually dependent upon finding an unusually receptive teacher, one who opens his or her doors to all students. The Vocational Education Program may be the key to a disabled student's independence even more than traditional academic subjects. This key is an education right and should not depend upon searching for a willing teacher.

The least restrictive standard is a vital component of the Education for the Handicapped Act. This was codified to overcome the segregation of students with disabilities. Therefore, I reiterate our final recommendation, that the subcommittee monitor closely the achievement of the least restrictive placement throughout the school life of all exceptional children.

Thank you for your consideration, and I will be pleased to answer any questions.

Mr. WILLIAMS. Thanks very much.

[The prepared statement of Winifred Guthrie Anderson follows:]

PREPARED STATEMENT OF WINIFRED GUTHRIE ANDERSON ON BEHALF OF THE PARENT EDUCATIONAL ADVOCACY TRAINING CENTER

SUMMARY

The Parent Educational Advocacy Training Center makes the following recommendations to the Subcommittee on Select Education as they reauthorize the discretionary programs under the Education of the Handicapped Act:

1. Joint Training Programs for Parents and Educators

a. Language in the law, regulations and program guidelines should be clarified to allow for Parent Training and Information Centers to provide joint training sessions for parents and educators.

b. Additional language should be added to the law to promote joint training programs through Parent Centers, state and local education agencies, and institutions of higher education, thus advancing cooperative working relationships and effective collaboration between parents and educators.

2. Strategic Allocation of Funds for Parent Training and Information Centers

Given current funding levels, Congress should direct that a critical mass of funds be awarded to those Parent Training and Information Centers who demonstrate a capacity to:

a. Collaborate with state and local education agencies, institutions of higher education and other consumer groups in providing training and information services;

b. Provide outreach to underserved populations across diverse geographical areas, not necessarily limited to a single state.

3. Stricter compliance Standards for Least Restrictive Placement

At this time the Office of Special Education and Rehabilitative Services is developing stricter compliance standards for placement of students in the least restrictive environment. The Subcommittee should support this critical effort by monitoring closely through its oversight functions the achievement of least restrictive placements throughout the school life of all exceptional students.

Mr. Chairman, I am Winifred Guthrie Anderson, Executive Director of the Parent Educational Advocacy Training Center in Alexandria, Virginia. Over the past fourteen years I have directed programs under the Handicapped Children's Early Education Program and the current Parent Organization Projects.

BACKGROUND

From 1972 to 1978 I was the educational director of one of the first federally funded demonstration and outreach projects designed to integrate preschool children with handicapping conditions with their non-handicapped peers. At Resurrection Children's Center parents of both handicapped and non-handicapped children are required to assist professional teachers in the classrooms in order to promote parent education as well as the education of their children. During these years I worked closely with parents of children with disabilities as they made the transition from the integrated preschool to the maze of public school education.

As I worked with these parents, the difficulties they encountered in participating effectively in the special education planning process became readily apparent. These experiences led my colleagues and me to submit a proposal in 1978 to the then Office of Education, Bureau of Education for the Handicapped, to train parents of handicapped children in the knowledge and skills they needed to participate in the parent-educator partnership.

From the award of the Parent Center's initial grant in 1978 to the present, our staff has trained over three thousand parents in their roles in the special education planning process. Additionally we have prepared ninety-six teams of parents and professionals from eleven states to conduct our educational advocacy courses in their local communities. These teams, many of whom were sponsored by state and local education agencies as well as non-profit organizations, have themselves trained over twenty-five hundred parents and professionals.

From these programs arose materials for a book titled "Negotiating the Special Education Maze: A Guide for Parents and Teachers." This book, written with my colleagues Stephen Chitwood and Deidre Hayden and published by Prentice-Hall, has reached over 7,000 parents and professsionals throughout the United States, with royalties going solely to the federal government and to the work of the Center.

I offer this background of my work and that of the Parent Educational Advocacy Training Center to provide the Committee with the perspective from which my testimony has been developed and from which it must be evaluated. Equally important, I offer this history as evidence of the positive contributions which federal leadership in the field of special education has achieved over the past fifteen years.

First, I wish to thank the Chairman for the invitation and opportunity to address this Subcommittee on the important issue of the provision of training and information to ensure the active involvement of parents in their children's special education. This year marks the tenth anniversary of the Education of the Handicapped Act, a law which has revolutionized special education. Among the great benefits of EHA is the requirement of a collaborative relationship between parents and school professionals to plan together individualized programs and instruction for children in special education. It is about the provisions and programs for parents under EHA that I have been asked to testify.

A look at the legislative history of PL 94-142 reveals the Congress' wisdom in recognizing the benefits our children derive when parents have a right to contribute their expertise and intimate knowledge of their sons and daughters to the special education process. The provision for mandatory joint planning conferences between parents and the educators who provide school services is soundly based upon research findings showing that education is most effective when parents as well as children are involved in educational programming. Until the enactment of EHA, however, parents were excluded from decision making regarding appropriate services for children in special education.

The Education of the Handicapped Act provides basic rights to parents for notification, consent, participation, and challenge. The rights were instituted by the Congress to protect handicapped children from misclassification and from arbitrary or inappropriate placement in programs. Ten years ago, however, neither school professionals nor parents were prepared to fulfill the new roles brought about by the new parental rights. How were parents to learn their rights and responsibilities regarding their children's evaluation and non-discriminatory testing, eligibility for special education, planning the individualized education prgram, placement in the least restrictive environment, access to school records, periodic review of the educational program, and due process procedures? How were education professionals to change from making autonomous decisions about children's special education to a working, collaborative relationship with these children's parents?

JOINT TRAINING PROGRAMS FOR PARENTS AND EDUCATORS

The Personnel Preparation discretionary program under EHA includes training monies for educators and for the parents of students with disabilities. Since 1977, the Division of Personnel Preparation has awarded grants to varous consumer and professional groups who have provided training and information to parents. Then in 1983, under the amendment to EHA, PL 98-199, Parent Training and Information Centers were specifically authorized to provide programs for parents. As you are aware, these Parent Training and Information Centers, funded by a ten percent set aside of personnel preparation funds, are required to be non profit agencies operated by a Board of Directors or by a special governing committee of the Board, comprised of a majority of parents of handicapped children. Currently, 50 Parent Training and Information Centers are operational in 32 states and territories. Research and evaluation studies of the effectiveness of the training courses and information provided to parents by the PACER Center in Minneapolis and by the Parent Educational Advocacy Training Center in Alexandria have demonstrated two important findings. First, parents participate more effectively in developing, securing and monitoring appropriate special education programs for their children after they have participated in training courses provided by the Centers. Second, and equally impressive, educators with whom these parents have worked, find that parents who have received training are better able to represent their children's educational needs, work more cooperatively with school personnel, and are more realistic about what school systems are required to provide.

Problems remain, however, in implementing the partnership of parents and educators envisioned by Congress ten years ago. The Seventh Annual Report to Congress on the Implementation of the Education of the Handicapped Act submitted this year states: "Greater parent involvement is required. The need to develop attitudes, climates, organizations, structures and options that support and encourage parent involvement is well documented."

What measures must be taken to ensure that attitudes, climates, organizations, structures and options will support and encourage parent involvement?

"Cooperative, supportive partnerships are the result of creative efforts on the part of both parents and state agency personnel to establish such relationships." These words written by James R. Galloway, Executive Director of the National Association of State Directors of Special Education, describe an informal survey he conducted in June 1985, at a national meeting of representatives of federally funded Parent Training and Information Centers. Responses to a question asking what parent representatives wished their relationship with state departments of education to be included words such as "cooperative," "collaborative," "trusting," and "reciprocal." Responses to a question asking how parent representatives would describe current relationships with state departments of education included a different set of words—"tense," "hostile," and "adversarial." Measures must be taken to turn around such negative attitudes reflecting either the perceived or real relationships between parents and public officials.

In our experience the parent-educator partnership is realistic. It is working in some communities. But partnership is not achieved by talking about it. Partnership requires hard work, with give and take by both parents and professionals. For the vast majority of parents the training and information services provided by Parent Centers can assist in building a partnership in which both parties have equal respect for the other's knowledge and expertise. Granted, throughout the country there remain some educators who refuse to comply with the law, just as there remain some parents who are unreasonable in their demands. But when the true partnership is achieved, the adversarial relationships resulting in due process and court procedures so costly to both parties can, in great measure, be avoided.

As currently set forth, the Education of the Handicapped Act, its implementing regulations and program guidelines are worded in such a way as to minimize or to prohibit the training of parents and public educators together. There are provisions for training parents here, training teachers there, and training administrators elsewhere in such a way as the parties may never meet. Over the years many of the Parent Training and Information Centers have sought to include educators in their parent training groups. Others have not. Likewise parent centers are often asked to give presentations to teachers' groups about parent involvement. A careful reading of the laws, regulations and grant guidelines under the personnel preparation discretionary program leaves significant ambiguity concerning joint training of parents and educators. The wording of the law and the regulations is not clear on this issue.

Certainly training programs are needed which provide information specificaly tailored for parents and for educators to fulfill their unique roles under EHA. But training members of a team in isolation one from the other does not allow them to work together. Cooperative, supportive parent-educator partnerships are needed to bring about optimum growth and development of handicapped children and youth. And cooperative, supportive partnerships can and should be built upon training programs which unite parents and educators in opportunities for mutual learning, growth and understanding. Thus we recommend:

Recommendation 1: Joint Training Programs for Parents and Educators.

a. Language in the law, regulations and program guidelines should be clarified to allow for Parent Training and Information Centers to provide joint training sessions for parents and educators.

b. Additional language should be added to the law to promote joint training programs through Parent Centers, state and local education agencies, and institutions of higher education, thus advancing cooperative working relationships and effective collaboration between parents and educators.

STRATEGIC ALLOCATION OF FUNDS FOR PARENT TRAINING AND INFORMATION CENTERS

The Senate Committee Report for S. 1341, states that Parent Training and Information Centers "are to be distributed throughout the United States taking into account not only the needs of urban and rural areas but those of states and regions." Questions arise about the distribution criteria for the Parent Centers. Given funding constraints, should there be one Center with limited operations supported by federal monies in each state? Or should larger grants be directed to fewer Centers, providing the capacity to develop innovative programs for more diverse populations and larger geographical areas.

The upcoming year's funding level for Parent Training and Information Centers is approximately $6 million to cover 57 states and territories. If this money is divided equally among the states each state would be awarded $100,000. The history of the Centers, however, has shown that one Center per state is insufficient in many of the more populous states. For example, the city of Chicago has two Parent Centers, with a third center functioning in down state Illinois. Ohio has two Centers. One is in the Columbus area, serving a large geographical area including eight major cities. The other Ohio Center serves a region including southwestern Ohio and parts of northwest Kentucky. California has four federally funded Parent Centers responding to diverse ethnic, linguistic and geographic areas. States with large geographical area and smaller populations face problems arising from the distances, time and expense required for travel to remote areas.

The effectiveness of the Parent Centers is directly proportional to the quality and amount of human and fiscal resources available for their activities. The award of a small grant to a large number of Centers results in a disproportionate amount of the funds being consumed in overhead costs. Small grants to many Centers also duplicate efforts in the development of training materials and of resource information systems.

Two approaches employed by existing Parent Centers illustrate how overhead costs and duplication of effort may be contained. The Parent Educational Advocacy Training Center has demonstrated the efficiency of a multi-state effort using the trainer-of-trainers model prescribed by the parent competition grant guidelines. Teams of parents and professionals from local communities are brought to a four-day training session in which they learn to conduct parent training courses and to develop information systems for their localities. The parent-professional teams are provided follow-up consultation services from our center. This mechanism for dissemination of practices and materials has proven effective in Virginia, West Virginia, Maryland, and in other eastern and southern states. Each of the teams is supported locally by the State Department of Education, the local education agency or an established consumer agency. Local teams are able to revise and present materials in ways that respond to unique characteristics of the populations, school systems and communities they serve.

In the second approach, Parent Training and Information Centers send individual staff members or teams from their central office to conduct programs for parents throughout a metropolitan area, state or region. Through both approaches overhead costs are minimized and the maximum distribution of innovative programming is achieved.

The legislative history of the amendments to the Education of the Handicapped Act, PL 98-199, quotes Dr. Phillip R. Jones. "My observations from around the country would suggest that such parent training and information programs are needed most in rural areas where other agencies are not available to meet the information needs of parents."

Innovative programs are needed. Parent Centers funded by the federal government must have the capacity to reach out to all families across various geographical configurations and within diverse cultural, ethnic and income groups.

The six required functions of Parent Training and Information Centers set forth in Regulation 318.2(b), cannot be implemented on a shoestring budget. The development and delivery of training and information services as mandated under the law require a level of sophistication and access to resources which can take a number of years to develop.

The Senate Committee Report for S. 1341, "urges parent organizations who are recipients of these grants to utilize the expertise of special education professionals in the design and implementation of the parent training and information program." Again the clear intent of Congress is to promote joint ventures between parents and professionals in building and operating effective Parent Training and Information Centers. Over the last eight years our Center has worked successfully through joint ventures of parents and educators on our Board, our staff and training teams. Through these efforts an environment has been created in which school officials refer parents to the Center for assistance, even at times when the parents and schools are in conflict. State and local education agencies and consumer groups request the development of training courses for parents and educators to advance the parent-school partnership. Again, evaluation studies report from both parents and school officials the effectiveness of the collaborative approach. Therefore, we recommend:

Recommendation 2: Strategic Allocation of Funds for Parent Training and Information Centers.

Given current funding levels, Congress should direct that a critical mass of funds be awarded to those Parent Training and Information Centers who demonstrate a capacity to:

a. Collaborate with state and local education agencies, institutions of higher education and other consumer groups in providing training and information services;

b. Provide outreach to underserved populations across diverse geographical areas, not necessarily limited to a single state.

STRICTER COMPLIANCE STANDARDS FOR LEAST RESTRICTIVE PLACEMENT

The last ten years have shown remarkable gains in educational programming for students with disabilities. Nevertheless, Parent Centers throughout the nation report serious problems in implementing EHA's mandate for educating students in the least restrictive environment. This vital component of the law was codified to overcome segregation of students with disabilities. Despite the requirements of EHA, large numbers of students continue to be excluded from integrated educational opportunities.

Ten years after the passage of EHA school systems still construct numerous segregated special education facilities—fine new buildings where only students with severe disabilities may be found. A decade after PL 94-142 school systems continue to locate teenagers with disabilities in separate wings of elementary schools. Ten years after the law most students living in state institutions are denied access to classrooms in the local community's public schools. Ten years after the law excellent vocational/technical schools exclude students with disabilities from participating in the vocational programs. Instead, many school systems provide special education students with no vocational programming or offer segregated vocational classrooms with inferior equipment, taught by special education teachers with no training in vocational education. The least restrictive mandate is far from a reality.

Placement of students in the least restrictive environment requires parents, regular education teachers, special education teachers and support personnel to seek creative ways to cross traditional boundary lines between services. Resistance to removing disabled students from segregated settings comes not only from school professionals but also from parents, many of whom believe a more sheltered environment leads to better education. In general, however, educational reasons do not justify the movement of handicapped children from integrated educational programs to more restrictive settings. So states a draft bulletin from the U.S. Office of Special Education Programs. Nevertheless, children are placed time after time in certain classrooms simply because the classrooms' names correspond to the diagnostic labs placed upon the children—severely emotionally disturbed, learning disabled, mildly mentally retarded, or whatever.

Parents need training to meet the demands required to advocate successfully for their son's and daughter's placement in the least restrictive environment. They must learn to asess their child's strengths and needs, and to develop skills in working with both special and regular educators. This point again calls attention to recommendation for joint training efforts including parents of special education students and the professionals with whom they must collaborate. Parent Training and Information Centers, as well as preservice and inservice training for teachers, must continually strive to teach parents and professionals to work toward the integration of students in special education with their non-handicapped peers.

I think of two families in Northern Virginia who have struggled for years to keep their children, both of whom have Down syndrome, in the least restrictive environment. One family used the due process procedures to prove their contention that the appropriate education in the least restrictive environment for their daughter was part time in the regular education setting and part time in a classroom for learning disabled children. The parents' position was upheld by the hearing officer. The other family, through many trials and tribulations, has maintained their son in regular education classrooms, now including regular vocational education. These families, however, are exceptions. They are not exceptional, however, in their desire to enable their sons and daughers to live independent, productive lives.

Removal of special education students from the regular school environment denies them access to the mainstream of society. Unemployment among all persons with disabilities has been estimated as high as seventy percent. Unfortunately, the least restrictive concept has not translated successfully into the practice of special needs students participating in regular vocational training with appropriate support services. There is strong resistance to the participation of students with disabilities in regular vocational education programs. As a result of the Parent Center's training and consultation with families, interviews with educators and reviews of the literature, we believe that this resistance primarily stems from the following factors:

1. A lack of experience by vocational educators in dealing with persons with disabilities, and little knowledge about disabled persons' capabilities and potential;
2. An unwillingness of vocational educators to compromise on standards of achievement or alter course completion requirements to reflect individual differences;
3. A feeling of personal responsibility that most vocational educators have about the safety of their students when they are working with power equipment or are otherwise exposed to some type of hazard;
4. An assumption that it would be harder to place graduates with disabilities in jobs; coupled with recognition that program effectiveness in vocational education depends in large part on the placement rate of course graduates;
5. A lack of aggressiveness by students in special education and their parents in obtaining assignments to vocational classes.

The continuation of this eduational failure will perpetuate future unemployment among disabled youth and adults. Students whose school lives have been sheltered in segregated classrooms or buildings can never be prepared to assume full and productive lives when they leave school and move into family, work and community life.

We know from our experiences of the last decade that many students with mild to severe physical and learning handicaps can succeed in regular vocational programs, provided they receive individually prescribed supplemental services. These same students can become productive workers in competitive employment settings. Clearly, EHA includes vocational education as one form of regular education to which students with handicapping conditions have legal access. For disabled students vocational education is a part of the regular education program that may be the key to their adult independence, even more than traditional academic subjects. Thus, we recommend:

Recommendation 3: Stricter Compliance Standards for Least Restrictive Placement.

At this time the Office of Special Education and Rehabilitative Services is developing stricter compliance standards for placement of students in the least restrictive environment. The Subcommittee should support this critical effort by monitoring closely through its oversight functions the achievement of least restrictive placements throughout the school life of all exceptional students.

Thank you for your consideration. I will be pleased to answer any questions the Subcommittee may have.

RESOURCES

1. Interviews with the following leaders from Parent Training and Information Centers: Jacqueline Adkins, Virginia; Margaret Burley, Ohio; Carolyn Beckett, Virginia; Stephen R. Chitwood, Virginia; Charlotte des Jardins, Illinois; Nona Flynn, Virginia; Margaret Gajda, Virginia; Paula Goldberg, Minnesota; Deidre Hayden, Virginia; Ramona Hodges, Arkansas; Tom Murray, Ohio; Carla Putnam, Georgia; and Martha Ziegler, Massachusetts.
2. Turnbull, H. Rutherford and Ann P., and Wheat, Mary J., "Assumptions About Parental Participation: A Legislative History," Exceptional Education Quarterly, Vol. 3, No. 2, 1982.
3. Seventh Annual Report to Congress on the Implementation of the Education of the Handicapped Act, "To Assure the Free, Appropriate Public Education of All Handicapped Children," U.S. Department of Education, 1985. p. 15.
4. Urbain, Cathleen and Lakin, K. Charlie, "PACER Center's Research on the Effectiveness of Its Parents Training Parents Project," PACER Center, Minneapolis, MN. 1985.
5. Chitwood, Stephen R., "The Effectiveness of Parent Training Courses of the Parent Educational Advocacy Training Center," Alexandria, VA. 1982.
6. Senate Committee on Labor and Human Resources, Education of the Handicapped Act, S. 1341, 98th Cong., 1st Sess., p. 23.
7. House of Representatives Committee on Education and Labor, Education of the Handicapped Act. H.R. Report No. 410, as reprinted in 1983 U.S. Code Cong.: Ad. News. 2118, 2119.

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9. Education for the Handicapped Law Report, Supplement 125 (1984), p. SA 167, 168.

10. Weisgerber, R.A., Dahl, P.R., and Appleby, J.A., "Training The Handicapped for Productive Employment," Aspen Systems Corporation, Rockville, MD. 1980.

[From the Coalfield Progress, Norton, VA, Oct. 1, 1985]

PARENTS SHARE EXPERIENCES ABOUT THEIR SPECIAL CHILDREN

(By Stephen Mullins)

When you're the parent of a child with a learning disability, it's easy to fall prey to the "Why me?" syndrome.

As parents will testify, there's an ice cold loneliness associated with the feeling that you're the only person in the world who has a special child. Not only is it lonely, it's also frustrating, especially when trying to deal with all the "red tape" that goes along with enrolling a child in special education.

However, as some parents found out at a recent workshop, there are others in the world with similar problems.

The workshop, held Sept. 20 and 21 at Appalachia Elementary School, was designed for parents of children who need special education. They were made aware of their rights in relation to their child's education.

In addition, the workshop gave parents a chance to share common experiences and open up to each other.

Cathy Lambert, whose 14-year-old son is a slow learner at Powell Valley Middle School, said she has occasionally been a victim of the "Why me?" syndrome. The workshops, she said, "helped me to realize I'm not the only one."

Lambert came away from the workshops surprised at the number of learning disabilities that are dealt with by Wise County's special education program.

"We learned that everybody has different problems in dealing with their child," she said.

In years past, parents of children with special learning needs were more likely to doubt that anything could be done for their child, according to parent Renee Lewis of Norton. With more awareness about special education, "Now, you've got somebody else to talk to," she said.

Although she is not sure at this point, Lewis' 4-year-old son—who is extremely hyperactive—may have to enter the special education program. That's what prompted the home base Head-Start teacher to attend the workshop.

As Lewis learned, parents are not only encouraged to be involved with their child's education. A federal law requires parental involvement. "If the parents aren't involved, the child can't be involved," she remarked. "Whatever's best for my child, (that's what) I want to do."

In most cases, problems have arisen because parents were not aware of their role in special education. "The thing is, parents have to agree (to place the child in the program) before the school can do anything," said workshop organizer and lecturer Kathy Hutson.

Many parents have agreed in the past, Hutson said, but "maybe they didn't understand everything about it." Education then, is as important for the parent as it is for the student, she believes.

Hutson, a Wise County speech therapist, said relations between parents and school officials are "improving all the time," the end result of which is: the child benefits. "I think most parents want what's best for their child, but they sometimes are confused as to what exactly to do."

According to Lambert, the workshop suggested parents use a positive approach when dealing with school officials. Instead of demanding services, she said, parents should ask questions such as, "How can we go about getting a desired result?"

"I have found that (the negative) attitude doesn't work," Lambert remarked.

"The schools are willing," she said, "but they are slow sometimes. They are very careful. They have to be."

Obviously, being saddled with the responsibility to rear a special child is not a desirable situation to be in. But it is made easier when there is "peer counseling."

Being with other parents is extremely important, Hutson said. "That gives them another perspective. It develops a kind of support network."

Although Hutson laments the fact that there is presently no such parent support network in the Wise County area, she is not pessimistic. "I have been really excited about the parents I've met at the workshop," she said. "I've gotten to be friends with some of them."

Hutson hopes that a similar workshop can be held next year. "If one parent is encouraged (by the workshop), they will spread the word . . . and will be a resource to other parents," she said.

Mr. **Williams**. Mr. Rosenfeld.

Mr. **Rosenfeld**. Thank you, Mr. Chairman.

My name is Jim Rosenfeld. I am managing editor of Education for the Handicapped Law Report. I am a special educator.

Education for the Handicapped Law Report has been for the last 7 years the only full text, legal, and policy reporting service in special education. The Special Educators News Letter was recently begun to find policy developments in special education.

I wish to commend you, Mr. Chairman, and the committee for inquiring about the hearing system and hearing officers. I also want to thank you for asking me to testify on what I consider to be a very important subject.

I think there can be little argument about the importance of the hearing system or the hearing process. The key function of hearings, as the local court of appeals recently indicated by saying "The substance of 94-142 is in essence embodied in the procedural mechanisms that the act mandates," in this regard I am pleased to be able to report to you that my basic message is that the framework of the partial hearing system mandated by Congress in Public Law 94-142 is basically sound. It has worked well.

On the other hand, 10 years' experience has shown that there are certain key areas that need to be strengthened. In making this conclusion I think it fair and necessary to state to you the goals of the hearing system as I see them. I can reduce them to two. One is competence. That is, hearing systems and hearing officers and administrators of hearing systems should be competent. Otherwise the hearing system is merely a waste of precious time, scarce resources and children's lives. I think, in addition, that the hearing system and hearing officers should instill confidence. Hearing systems should inspire confidence of both parents and educators that rational, consistent, impartial due process decisions are being rendered and they are being rendered quickly.

Now, in view of the importance of hearing systems and hearing officers, I think it is fair to state astoundingly what we do not know about them. What we know about them is basically what they would do if we knew more about them. We know that a good hearing system will resolve disputes quickly and that they will enable a child to receive the education programs and services that Congress intended. We do know that a good hearing system will contribute to the overall confidence in the system of special education. We know that a good hearing system will reduce civil litigation because if parents and school systems feel that fair and impartial decisions are being reached, there is little incentive to continue to court. Finally, we know that a good hearing system will reduce the monitoring and compliance load on State education agencies and on the Federal Government by reducing the amount of disputes in the system.

What we do not know is just about everything else. We have very little data about hearing systems. We have some idea about trends in various States and about basic criteria. We know, for example, that Public Law 94-142 allows States the option of a two-tier hearing system; that is, a local hearing with an appeal to the state level or, on the other hand, a hearing on the state level only. We know that some States have one system and we know some States have another system. We also know that in recent years there has been a trend toward a single-level hearing system, but that basically is all we do know.

We are not sure about the data on any of those trends. There is no national data base on the number of hearings that have been conducted under Public Law 94-142, on the numbers or qualifications of the hearing officers who have conducted these hearings, on the training or the support that has been provided for these hearing officers or of the cost of the hearings, despite all the outcry in the last 5 or 6 years about that cost. Most frequently cited are horror stories about the cost of hearings and, indeed, there are some horror stories. Most hearings, I suspect, however, fall well below the horror stories that we have heard.

There was at the outset of Public Law 94-142 the lack of a clear picture exactly as to what the hearing system would be and what it should be, and I think there was some misunderstanding as well. But I think that this lack of a clear picture has turned in on itself and generated some dislike for hearings and for attorneys that is somewhat misplaced. The hearing system has been characterized, unfairly I think, as being too formal, too expensive and primarily for the benefit of attorneys. There is some truth to that, but I think, in fact, not a great deal.

But as a result of that feeling the hearing system has been treated as somewhat the family skeleton in the closet by virtually all segments of the special education community from the Federal Government's OSEP down through SEA's and LEA's. Nevertheless, in reviewing the various sources such as the literature, SEA decisions, court decisions, my personal experience in talking with other people who have been in a number of hearings and anecdotes, it is possible to identify a number of common themes for the improvement of hearing systems and hearing officers.

These are, first, an improvement in professional background and training of hearing officers; second, an assurance that hearing officers will be independent and impartial; third, improvements in in-service training and support; and, fourth, a fair and adequate basis for remuneration. Let me go into just a bit of detail about each of those.

As a prelude to that I think it is necessary to bring to your attention the uncertainty to which I alluded a few moments ago concerning the character of hearings systems. I think, on one hand, the educational community hoped and believed that due process hearings would be some sort of informal conference between parents and education officials at which disputes concerning a child's special education program could be resolved rather informally. In fact, that is not, for the most part, what has happened. In fact, that is not, I think, what the law intended if one looks at the letter of the law.

Due process hearings certainly have become in some States far more formal than anyone believed or even desired. I think that is part of the natural evolution of the law. It has also been asked whether hearing officers should attend some sort of mediation effort. I think personally that would be a mistake for two reasons.

First of all, hearing officers frequently, almost always, are not trained in mediation techniques. Second of all, it would confuse the parents and the educational officials as to exactly what role the hearing officer is going to play when a failure of the mediation effort occurs. Another point that has been raised concerning hearing officers is whether hearing officers should be active or passive. By that I mean, in the conduct of a hearing should they attempt to elicit evidence on the part of the parents, particularly who are not represented, or should they merely sit back and accept into the record whatever testimony is presented.

I can tell you that various States have various ideas and practices about this. There is no consistent pattern that I can detect. As to the improvements specifically, first of all, I think that there should be some way by which States can be required to have a professional background and minimum training for hearing officers. On the basis of what I have been able to determine, there is no consistency, agreement or basis for establishing criteria concerning desirable professional background for hearing officers. That is, it is not clear as to whether hearing officers should be educators or should be attorneys or could be either, and there has never been any study to find out which performed better.

There has always existed within the States tension between the need for legal competency, on the one hand, and expertise in special education, on the other. Training programs vary widely in this regard. Some States, for example, have only attorneys as hearing officer. Many States allow both attorneys and special education people. Other States have an administrative law judge system by which due process hearings are allocated to the existing administrative law mechanism.

In terms of the type of training that is provided to any of these groups, it has been for the most part, insofar as I can determine, fairly minimal. It is not simply a question of training materials, for example. I have personally reviewed training manuals for around 15 different States. The manuals are fine in terms of modem of material in them, but the time allocated to impart the information to hearing officers is rarely more than 2 days, and for someone who has no background in either law or special education that is simply inadequate.

Let me pass on to the second point, independence and impartiality. This has been a developing story. Independence from the parties and impartiality concerning the ultimate resolution of the dispute is absolutely critical to instilling confidence in the system. There have been inconsistent statements from the Federal Government about this. The courts have been fairly consistent in requiring where the issue has been put to them that hearing officers be independent. Steps were taken within the last 2 years by the Federal Government to assure that this independence was, in fact, established. Nevertheless, there must be some confusion in the minds of parents concerning independence and impartiality where the training responsibility and selection procedures for hearing officers continue to be the responsibility of the State education agency.

Concerning the type of in-service training and support that hearing officers should be provided, as I have indicated there is a wide variation in the amount and type of training that is provided, some States do it with SEA personnel; other States bring in consultants; some States use NASDE personnel to do this. In virtually all States, with some exceptions, hearing officers are not provided either initial training or the continuing support that someone in that position requires in order to competently perform his or her job. For example, hearing officers usually are not customarily provided copies of other hearing decisions issued in their States. The practice varies from State to State, but in many respects that happens in many States. They are not normally provided the funds to purchase services so they can keep up on the law and developments in special education. Finally, they have no convenient means of finding out how to handle a particular dispute when it is placed before them. There is no support network in place, and I have heard on a number of occasions where hearing officers were faced with a problem during the hearing or during the adjournment of a hearing and went to the State education agency officials in order to determine how to handle that. I am not referring strictly to procedural matters. I am talking about substantive matters.

Obviously, as part and parcel of this problem, hearing officers ought to be adequately remunerated. I am in the process of conducting an informal survey about this. It appears the methods of remuneration vary from paying people per hour for a hearing without a maximum, paying them a flat dollar amount for a hearing to paying them *x* dollars per hour with a maximum. The variation is incredible. Obviously, as in most things you get what you pay for. I have seen no State in which anyone can make a living being a hearing officer unless they happen to be an administrative law judge in the administrative law system.

On the basis of the review that I have conducted in order to prepare for this hearing and my other experience, I want to reiterate that due process hearings have basically served the process for which they were intended. I think there is some recognition of this in the fact that the number of hearings has gone down in the last couple of years. Nevertheless, there are some changes that I think could be made and should be made, and they are listed in the testimony I have submitted to you.

They are, first, require States to include more data on hearings systems in the State plans. Now, very sketchy information in this regard had been included in what is called the Year End Performance Report in 1980-81, I believe, and it was discontinued at that point. I have no idea why. But more information should be required.

Second~~, I t~~hink the States should be required to adopt minimum standards for appointment of hearing officers and mandate the criteria for initial and in-service training.

Third, I think the States should be encouraged to provide hearing officers with the information they need to realistically perform their mission and to pay them sufficiently so they can secure whatever information they need on their own.

Fourth, I think that the responsibility for training hearing officers should be entirely removed from SEA's by the possible seeding of development centers or a development center—I do not think there is need for more than one, frankly—to develop a curriculum for the training of hearing officers and training them.

Finally, I would recommend that on the basis of the decisions I have seen that there is probably no need for a two-level hearing system. By that I mean that there would be one level of hearing and that it would be conducted or coordinated by the State, and I would recommend that the Congress might want to consider that in its considerations.

Thank you.

[The prepared statement of S. James Rosenfeld follows:]

PREPARED STATEMENT OF S. JAMES ROSENFELD, ESQ., MANAGING EDITOR, EDUCATION FOR THE HANDICAPPED LAW REPORT

Testimony of S. James Rosenfeld October 23, 1985

INTRODUCTION

My name is S. James Rosenfeld. I am the managing editor of EDUCATION for the HANDICAPPED LAW REPORT (EHLR) and The Special Educator (TSE), two periodicals devoted exclusively to reporting legal and policy developments in special education. I have been asked to testify on the status of due process hearing systems established by states pursuant to the requirements of the Education of the Handicapped Act (EHA).

The Subcommittee should be commended for requesting further information concerning so vital a component of the system of procedural safeguards established by Pub. L. 94-142 to assure a free appropriate public education for all handicapped children. And I personally very much appreciate the honor of being asked to assist the Subcommittee in this important oversight function.

A brief word concerning my perspective is in order. I suspect that a chief reason for my appearance here today is that I am not affiliated with either school systems or parents. I have the unique responsibility of reviewing hearing decisions in connection with my responsibilities for EHLR. EHLR is the only full text reporting service regularly publishing the texts of selected hearing decisions from approximately 23 states. In the more than six years since I began EHLR, my assistant editors and I have read hundreds, probably thousands, of hearing decisions. Thus, we have had an unusual opportunity to monitor the development of hearing systems.

My perspective has also been formed by my professional training. I am an attorney, not an educator. Probably for this reason, I have tended to focus more on the procedural issues concerning due process hearings and I am inclined more than most to measure hearing systems against other administrative hearing systems.

THE IMPORTANCE OF DUE PROCESS HEARINGS

A recent decision of the U.S. Court of Appeals for the District of Columbia Circuit observed:

> "The substance of EHA is in essence embodied in the procedural mechanisms it mandates." McKenzie v. Smith, (CA DC, 1985) Current EHLR DEC. 557:119 at 557:123.

That observation flows directly from the U.S. Supreme Court's statement in Board of Education of the Hendrick Hudson Central School District v. Rowley, 458 U.S. 176 (1982) that the importance of the procedural safeguards established by EHA "cannot be gainsaid." Rowley, 458 U.S. at 205. The reason for the importance of the procedural safeguards was also identified by the Court in Rowley: "[A]dequate compliance with the procedures prescribed [will] in most cases assure much if not all of what Congress wished in the way of substantive content in an IEP." Or as Circuit Judge Tamm stated in McKenzie: "The underlying assumption of the Act is that to the extent its procedural mechanisms are faithfully employed, handicapped children will be afforded an appropriate education." Ibid.

The due process hearing system mandated by EHA, 20 U.S.C. section 1415, is an integral part of this system of procedural safeguards. It is, in a word, the "guard" -- the safety valve available to parents and school systems in the face of an inability to resolve differences. The mere fact that a hearing is available to either party is a constant reminder to both that in the face of their unwillingness to agree, a decision can and will be made by an impartial third party.

Hearing System Requirements

While states applying for EHA funds are required to establish a due process hearing system as part of their procedural safeguards, they are given a great deal of flexibility in choosing the specific design of their systems. The major choice a state makes is whether its hearing system will be one or two tiered -- that is whether it will provide first for a hearing at the local level with the right to appeal to a state level body, or whether there will be only one hearing at the state level. Where a state selects a two tiered system, the initial hearing is commonly referred to as the "local due process" hearing, while the hearing on appeal is called the "state level review" hearing. If, on the other hand, the state opts for a single administrative hearing at the state level, that may also be called a "due process" hearing even though held at the state level. Because the variation among hearing systems in states frequently makes the terminology confusing, I shall use the term "due process hearing" as a generic term, to connote either a local or state level hearing, unless the context specifies otherwise.

There are surprisingly few additional mandated requirements for hearing systems. The most important probably is that no hearing be conducted "by an employee of such [educational] agency or unit involved in the education or care of the [handicapped] child," 20 U.S.C. section 1415(b)(2). Litigation during the last three to four years has firmly established that this requires hearing officers to be independent from local and state education agencies. While such a requirement might seem obvious to the casual observer, it has been only slowly accepted by the states and OSEP. See "Impartiality of Hearing Officers," Parts I and II, EHLR Analyses, Supplement 40 at page AC-101 (January 23, 1981) and Supplement 89 at page SA-69 (February 4, 1983).

Congress has also required that parties to due process hearings be provided the rights normally accorded in administrative and judicial proceedings: right to counsel; right to present evidence; right to confront, cross-examine and compel the attendance of witnesses; right to a record of the hearing; and the right to a written decision. 20 U.S.C. section 1415 (d). Finally, the statute authorizes an appeal to state or Federal court by aggrieved parties. 20 U.S.C. section 1415(e).

BASIC SOUNDNESS OF HEARING SYSTEMS

In view of the critical importance of due process hearings, I am pleased to be able to relate that the basic hearing system mandated by Congress is sound. For the most part, due process hearings have fulfilled their dispute resolution purpose by enabling parents and, in more limited circumstances, education agencies to secure final decisions by independent hearing officers. It appears that most hearing decisions have been correct, by which I mean reasonable. It also appears that the ease of access to due process hearings -- a parent need only request a hearing on virtually any issue -- has not produced a torrent of hearings. It can fairly be said that, for the most part, hearing costs have not placed an unwarranted burden upon either parents or school systems. And, looking at the number of local due process hearings, the number of state level reviews and the number of appeals to court, it can be said with some confidence that the hearing system is not being abused.

Not unexpectedly, though, ten years' experience also has demonstrated that the hearing system is not unflawed. It is clear that certain key areas need to be corrected and others strengthened. It is these areas upon which I will focus in my testimony.

Hearing System Goals

The evaluation of anything, individual or institutional such as hearing systems, implies the existence of evaluative criteria or standards. In my view, the standards to be used in evaluating recommended changes to hearing systems are few and surprisingly simple. All evaluations and recommendations should be directed toward increasing either the competence of the system or the confidence of those participating in it.

Due process hearing systems must be **COMPETENT**. By this, I mean two things:

> First, those persons responsible for conducting hearings, that is hearing and review officers, must be qualified by training and experience to perform the functions expected of them and be provided at least the minimum resources necessary to do their jobs.
>
> Second, the rules governing the hearing process and personnel administering the hearing system should be responsive. The ground rules should be set forth clearly in advance and generally adhered to, but they should not remain inflexible in the face of demonstrated inequity.

Hearing systems falling short of these goals are monuments only to themselves, a waste of precious time and scarce resources.

Hearing systems must also inspire the **CONFIDENCE** of the parties, both parents and educators, that rational, consistent, impartial decisions are being rendered and that they are being rendered quickly.

> Hearing decisions must be rational: they must adhere to the letter and spirit of the law and accord with common sense.
>
> They must also be consistent: similar cases should not produce dissimilar results. This is true even for a statute so predicated on individualized decision-making as EHA. Consistency is critical to securing a fundamental purpose of law: self regulations, or the voluntary adherence to prestated rules to reduce the necessity for governmental intervention.
>
> Hearing decisions must be rendered impartially: the hearing officer must be free of influence by the parties and must have no personal interest in the dispute. This is a fundamental tenet of our legal system.
>
> Finally, hearing decisions must be rendered quickly; after all, it is a child's educational opportunity that is at stake.

Testimony of S. James Rosenfeld   October 23, 1985

WHAT WE KNOW ABOUT HEARING SYSTEMS

We Know the Benefits of Good Hearing Systems

As with any system of administrative process, to some degree we already know the benefits of good hearing systems:

> We know they will enable the fast resolution of disputes, thus assuring that handicapped children receive the educational services Congress intended.

> We know they will contribute to overall confidence in our system of special education because the participants can deal with one another secure in the knowledge that a lack of good faith can be remedied.

> We know that rational, consistent, impartial decisions will reduce the need to resort to civil litigation.

We know also that the availability of an administrative remedy will reduce the monitoring and compliance burden on responsible agencies, such as state education agencies, OSEP, and OCR.

Despite these obvious benefits, due process hearings and hearing systems have been treated almost like the family skeleton in the closet by virtually all segments of the special education community. From OSEP through SEAs and LEAs to parents and special education administrators and teachers, due process hearings have been widely denigrated. At best, due process hearings are considered the tangible evidence of a breakdown of the procedural safeguards; at worst, they are viewed as a godsend for attorneys.

The critics label due process hearings as threatening and confrontational. They allege that the costs of hearings drain funds from more productive uses beyond any benefits they produce. Moreover, hearings take too much time, since it can be many years from inception of a due process hearing to final resolution of a dispute by the courts. And, of course, hearings can be cleverly manipulated through legal tricks to the point that the process takes on a life of its own.

As with all widely held opinions, there is some kernel of trust to these observations, but not much. Expectations of a cooperative atmosphere in due process hearings, I suggest, reflect an uncertain, if not misinformed, vision of the "character" of the hearing system. Of course a hearing can be "confrontational" and "adversarial!" For the most part, a hearing is invoked as a "last resort" -- an attempt to secure a decision when the parties have failed to do so.

The fact is that many of these so-called fatal flaws reflect carefully crafted compromises between individual rights and societal needs. It is not my purpose here today to respond to all these "shortcomings" in detail. But I suspect that many of these criticisms reflect uncertainty about exactly what a due process hearing should be: is it simply another type of administrative hearing, with all of the formalities usually associated with such proceedings? Or is it merely the next stage of an informal dispute resolution mechanism, where a third party is called in to mediate or possibly arbitrate? And what posture should a hearing officer adopt: that of a strictly impartial judge, letting the parties move through the process and making their own mistakes, or actively assuring that necessary questions are asked and evidence introduced?

There probably are no objective 'answers' to these questions. At this point, all that need be said is that the fundamental changes to the hearing system that they imply should not be made lightly or arbitrarily, and certainly not without the kind of hard information which, as of the moment, is lacking.

WHAT WE DON'T KNOW ABOUT HEARING SYSTEMS

Given the importance of due process hearings, it is nothing short of shameful how little is known about them. Surprising as it may seem, there has never been a comprehensive examination of hearing systems. Indeed, many of the so-called shortcomings I have previously mentioned are generalizations from localized anecdotal evidence.

For this reason, no one really knows the answers to some of the most fundamental questions about hearing systems. For example:

* How many due process hearings are held?

We don't know the answer to that question nationally or, indeed, in many states. We can't say for sure how the number of hearings has varied from year to year. We believe that it is now declining after peaking about two years ago.

* How many hearing officers are there and what are their backgrounds?

We have even less information about this, even though an EHA regulation requires "each public agency [to] keep a list of the persons who serve as hearing officers. The list must include a statement of the qualifications of each of those persons." 34 CFR

300.507(c). Most states do keep this information on file, but some refuse to disclose it to persons other than the parties to the hearing.

* How are these hearing officers being trained and what support are they being provided to enable them to perform their duties competently?

Again, we simply don't know. We do know, though, that aside from those states that have chosen to place their hearing systems within their general administrative law systems, no one is making a living simply by acting as a hearing officer.

* What are the costs of hearings to parents, education agencies and others; are they worth it?

One frequently hears real horror stories about the costs of hearings and it is often possible for each state, or local, agency to point to a single hearing as imposing burdensome costs. But the fact of the matter is that most education agencies don't collect data on hearing costs. Those that do frequently fail to establish sound criteria for assessing costs. Given this lack of information, one would be hard put to conduct a true cost/benefit analysis.

* What issues are being decided in due process hearings?

Once again, only anecdotal evidence is available, much of it from states that are probably not typical given their size and demographics. For example, it is broadly asserted that a large proportion of hearings involve attempts by parents to secure unnecessary and unjustified private school placements. That may be true, but no one can prove it.

Given this lack of data, it might appear difficult to recommend improvements in hearings systems with any confidence. But common themes of needed improvements can be found in the professional literature, by reading and comparing large numbers of hearing decisions over a representative period of time, from one's own personal experience in being trained as and training other hearing officers, as well as representing children in hearings, and from the usual anecdotes.

In addition, immediately following my invitation to appear before this Subcommittee, I undertook to survey approximately 25 states concerning various aspects of their hearing systems, including basic structure, number of hearing officers, training provided and costs of training. The aggregated results of that survey also provided support for the recommendations that follow and are reported in an Appendix to this testimony.

These sources indicate that improvements are needed in the following areas:

1. Eliminating unnecessary and time-consuming hearings;

2. Securing more, and more reliable, data on hearings;

3. Assuring the independence and impartiality of hearing officers;

4. Enhancing the training and support provided to hearing officers;

5. Improving the compensation received by hearing officers.

IMPROVING HEARING SYSTEMS

Professional Background and Training

It is clear that the states have not implemented common criteria for determining who, by professional background or training, is best qualified to serve as a hearing officer. This reflects a widespread disagreement concerning the most desirable professional background for hearing officers.

There are many reasons for this. For one thing, the combination of substantive knowledge and practical skills required to make a really good hearing officer are unusual. The ideal hearing officer candidate would have professional education in both special education and the law. In addition, he or she would have experience in conducting administrative proceedings and be an adept writer. Finally, the ideal hearing officer would be familiar with the many sources of special education law -- administrative interpretations and rulings, as well as state and Federal judicial decisions.

Obviously this is a rare blend of training and experience. It may be understandable, therefore, that most states have established few, if any, minimum requirements for becoming a hearing officer. In fact, most have usually opted for one or the other of the desired competencies, that is law or special education.

Many states require hearing officers to be attorneys, an option that become more attractive following the Supreme Court's emphasis on procedural integrity in Rowley. Others have placed responsibility for their hearings with state administrative law judges, who are required to be attorneys and are experienced in conducting administrative hearings. Many of these, however, do not provide any real training in special education to those administrative law judges; at least one state told me it confined due process hearings to a subgroup of administrative law judges, hoping thereby to develop special education expertise through on the job experience.

Other states prefer acting or former educators as hearing officers. The knowledge of the legal system that is necessary to serve as a hearing officer is provided through training programs. Frequently, however, that training is superficial and unsophisticated; often it is provided by persons who are not themselves attorneys and whose knowledge of legal practice and procedure is scant. And it is almost always too brief to assure that the hearing officer is conversant with legal procedures.

It is also unfortunately true that most states' training programs are neither well conceived nor adequately funded. Training sessions rarely last more than two days; a large number are shorter. In-service training -- that is, follow-up training after the initial training to reenforce the hearing officers skills and update them on developments in the field -- can be an even more haphazard event, and too often simply a function of available funds.

Speaking as an attorney, I can assure you that in two days it is simply impossible to competently train as a hearing officer someone who has had no previous legal training. I assume that special educators would say the same is true of their professions. I know I would prefer not to appear before a judge having only two days training.

Moreover, most states simply have been unwilling to spend the money required to provide an acceptable level of skills. On a number of occasions, I have been asked to submit proposals for the training of hearing officers; my proposals involved three days of training and would have cost the states about $10,000. This fee would have included travel costs, course development and on-site training, preparation and printing of course materials, and honoraria for training staff. My time was calculated at a rate of $50 to $75 an hour, depending upon exactly what I was doing. None of my proposals were accepted because they required the expenditure of more than the states were willing to spend on training their hearing officers.

My frank opinion is that many states are caught in cost squeezes and simply cannot afford to spend what is necessary to secure competent hearing officers. But is also true that many states simply do not know, or will not disclose, how much they spend on hearing officer training. High quality hearing systems have not been a priority in many states, given the small numbers of hearings they have held. The long term benefits of good hearings are too intangible to place a high priority on funding the training of hearing officers.

Surprising as it may seem, however, it also seems fairly clear that some states have too many hearing officers. Many states permit anyone who wishes to be trained as a hearing officer, but have very few hearings during the course of a year. As a result, few hearing officers conduct enough hearings in the course of a year to become really skilled at the job.

Independence and Impartiality

That a hearing officer should be independent from the parties and impartial concerning ultimate resolution of the dispute before him or her seems so obvious that I almost hesitate to mention it. It is absolutely critical in assuring parents and school systems that the hearing system is fair.

Yet the record shows that many states have not been sensitive to this concern. Until recently, it has been the rule rather than the exception for special education administrators to also serve as hearing officers, at both the local and state levels. In other words, adherence to the law has been judged by the same persons responsible for implementing it, or by their colleagues in an adjoining school district.

Even more sadly, the Federal Office of Special Education Programs abdicated its leadership responsibilities by refusing to mandate and insist on impartiality until the Federal courts established a clear policy. The collapse of integrity in the hearing system that can result was illustrated in a recent court decision, Mayson v. Teague, 1984-85 EHLR DEC. 556:315 (CA-11 1984). Even now it remains unclear whether the steps taken by OSEP in issuing and implementing DAS Bulletin 107 (Revised), concerning hearing officer impartiality, will withstand court review.

It seems self evident that some appearance of partiality must continue to be conveyed where the State education agency alone continues to be primarily responsible for:

- selecting who can be trained
- setting rate and method of compensation
- determining training methods
- providing formal support

It has been suggested that some states, at least, retain close control of hearing officer training in order to assure that the proper perspective is conveyed. And I need not emphasize the subtle control relationship that can develop under these circumstances. For these and other reasons, I have concluded that complete independence and impartiality can be assured only by establishing some source of training and support program that is completely independent of the state education agencies.

Such a program, established perhaps in conjunction with a university, could develop a core curriculum for the training of hearing officers and arrange for training, on-site in the respective states, by qualified personnel. The facility might also collect and review the texts of all hearing decisions rendered in the states; analyze them to determine the issues that are being most frequently raised and how they are being addressed; and collect data from the states on numbers and costs of hearings.

Inservice Training and Support

I have already alluded to the wide range of initial training for hearing officers. There is an even wider variation among states in requiring or providing continuing (or "inservice") training. Moreover, much of the inservice training provided focuses almost exclusively on "updating" the hearing officers on recent legal and policy developments -- something that most could and should be doing themselves -- rather than building on their experience to enlarge their expertise.

This approach is necessary because most hearing officers are not provided the means or professional tools required to monitor developments in the field. Most do not have convenient access to current information concerning developments in special education or the law or a support network to provide them with information or advice on how to resolve or handle a problem before them.

More difficult to understand is why many hearing officers are not routinely provided copies of hearing decisions rendered in their own states. This makes it extremely difficult for even a dedicated hearing officer either to learn from the examples and reasoning of his colleagues, or to make decisions that are consistent.

Remuneration

Except for those states using administrative law judges as hearing officers, no state has full time hearing officers. Many state and most local hearing officers perform their duties from a sense of devotion or curiosity and are paid accordingly.

The differences in amount and method of compensation are almost endless. Among the variations are:

- Flat dollar amount per hearing conducted, sometimes varying depending upon how long the hearing takes;

> Hourly fee, sometimes with a maximum and sometimes with additional predetermined amounts for transcription of the record, travel, etc;

> Honoraria plus expenses;

> No pay.

The lack of a realistic compensation system and the decreasing numbers of hearings has produced both an oversupply and rapid turnover of hearing officers in many states. Broadly speaking, apparently what happens is this: candidates undergo initial hearing officer training, following which they are placed in a pool to await selection for a particular hearing. In many states, this can be a long wait because the number of hearing officers often exceeds the number of hearings by a large amount. After a wait of months or even years, without an opportunity to maintain his or her interest or skills, the hearing officer gradually also looses interest and drops out of the selection pool.

Obviously, this pattern will have a highly negative effect on quality of hearings and decisions. The experience and testimony of many hearing officers is that it is absolutely essential to conduct hearings on a regular basis in order to become truly adept. And it is unrealistic to expect hearing officer to devote the time and personal resources necessary to assure maintenance of a reasonable level of knowledge and competence.

I have also been told that one of the first signs of inadequately trained, insufficiently supported and inexperienced hearing officers is a persistent failure to meet the statutory timelines mandated for conducting hearings and issuing decisions. I am also told that, in fact, this is now the situation in many states. The result, of course, is that there are unnecessary delays in the provision of critically needed special education and related services.

CONCLUSIONS AND RECOMMENDATIONS

As I conclude, it may seem that there is little good to be found. Most emphatically, that is not true: as I stated at the outset of my testimony, it is clear that due process hearings have served the purpose envisioned by Congress. By providing a method by which decisions can be reached in the face of continuing disagreement between parents and schools, they constitute an important element of certainty in the system of procedural safeguards. And the record appears to show that most hearing decisions reach the objective desired by all: providing a free appropriate public education to handicapped children.

Still I suggest the record also shows that most states, in an understandable effort to concentrate on the provision of services to handicapped children, have not developed their hearing systems to the optimum level of efficiency. Accordingly, for the reasons I have already alluded to, I make the following recommendations concerning due process hearing systems.

> RECOMMENDATION 1: Enhance the efficiency of hearing systems and increase the quality of hearing decisions by amending the statute, 20 U.S.C. Section 1415(b)(2) and (c), to eliminate the option for local hearing.

There is a decided trend in recent years, particularly since OSEP issued its advisory OAS Bulletin 107 on hearing officer impartiality (see page [illegible], above), toward one tier hearing systems. Interestingly, the movement has not been predominantly by small states -- by which I mean states having smaller numbers of handicapped students or due process hearings. In fact, most of the large states, those with the larger numbers of handicapped students and the most active hearing process, have now chosen the one tier approach. Included in this latter group are Massachusetts, Illinois, California, Texas, Pennsylvania and Washington.

In assessing this trend, I began to wonder why Congress provided for two tiered systems in the first place. Curiously, no one I consulted was able to point to any substantive reason. The consensus of opinion seems to be that allowing a local hearing option was a political quid pro quo to local school boards. Now, after ten years' experience with local hearings, I would not be surprised if local school boards would rather not have the option.

In any event, I would suggest that local hearings are unnecessary and, in fact, reduce both the quality and efficiency of hearing systems. I can see only one possible reason for having local hearings: to filter the consequential from the inconsequential in the face of great numbers of hearings. But the record demonstrates that those states having large numbers of hearings have rejected two tiered systems. On the other hand, it is clear that the necessity for two hearings -- or, more accurately, a hearing and an appeal -- adds little to the process but expense and delay. It also requires either the local education agency or the state agency, or both, to find and train more hearing officers; this also strains financial resources.

I suggest the intent of Congress would be far better served by amending EHA to eliminate the local hearing option. Such a change would not impinge upon the rights of any of the parties, who would still be able to appeal their dispute to court. The final resolution of disputes might come more quickly, there being one less rung on the ladder. And such a step would enable states to concentrate their resources on developing well trained, adequately supported hearing officers.

> RECOMMENDATION 2: Direct the Department of Education to require states to include more data on hearing systems and hearings either in state plans or in year end performance reports.

"It is difficult to escape the conclusion that our knowledge of the operations of due process hearing systems is abysmal. It is even more difficult to explain why the Department of Education has shown so little interest in this critical area, particularly in view of the heavy criticism levelled at hearings. It is simply impossible to explain why, in 1982, OSEP discontinued collecting data on hearings in annual performance reports.

For whatever reason, it is now time, ten years after enactment of the statute, to remedy this information gap. All states should be required to report:

- the numbers of hearings held in the state on an annual basis;

- the costs of those hearings (necessarily, this will involve establishment of uniform cost criteria);

- the type of training provided to hearing officers and its cost.

My belief is that if this information is reported and made available for inspection and analysis by others, such as the hearing officers training facility that I mentioned previously, it will contribute to self-monitoring of hearing systems and result in substantial improvements to those systems.

> RECOMMENDATION 3: Require states to adopt minimum standards for appointment of hearing officers and to provide initial and inservice training.

By preference, given the complexity of the relationship between hearing systems and Federal and state law, states should have the utmost flexibility to determine who will serve as hearing officers. Wisely exercised, that flexibility might have been expected to indicate, given ten years' experience, whether certain professions or experiences lead to superior hearing officers.

Unfortunately, the desired experimentation has not taken place. Except for those states that have either given their hearings over to administrative law judges or required hearing officers to be attorneys, there has been little standard setting for hearing officers.

The situation is only slightly better with regard to initial and inservice training. While some states have devoted respectable amounts of resources and personnel to training, most have not. It is easy to dismiss the importance of training, but how many citizens would want their dispute tried before a judge who had not received any training, or conducted any trials, in two or three years?

Accordingly, I recommend that states be:

- required, as part of their next state plan submission, to adopt and describe the minimum criteria they employ in selecting hearing officers;

- directed to provide for the initial and inservice training of all hearing officers, the inservice training to occur no less frequently than annually;

- permitted to use training personnel funds for the initial and inservice training of hearing officers.

RECOMMENDATION 4: Encourage SEAs either to provide hearing officers with information and support necessary to realistically perform their responsibilities or to compensate them sufficiently so that they may secure these resources independently.

Even well trained and retrained hearing officers will not be able to render competent decisions if they are required to work in an information vacuum. Yet, for the most part, this is exactly what most hearing officers face today. Analogizing again to judges, most states expect their hearing officers to be familiar with the law without providing them with access to a law library. In many states, hearing officers are not routinely provided copies of other hearing decisions rendered in their own state!

Moreover, the support system available to hearing officers in most states leaves much to be desired. I am referring here to informal support. For example, to whom does a hearing officer turn for advice on how to handle a specific procedural matter? Too frequently, there is only a very limited choice: either state education agency personnel or nothing. Looking to SEA personnel for advice under these circumstances clouds the perception of impartiality that is essential to fair hearing systems. The absence of support must at least occasionally result in bad decisions. Neither alternative is acceptable.

States should be encouraged either to develop impartial support systems or, alternatively, to compensate hearing officers at a level that would permit them to secure support in the marketplace. While this would initially increase the costs of hearing systems overall, my belief is that, in the longer term, comparable savings will be realized from improvements in the quality of the hearing system, both procedurally and substantively.

RECOMMENDATION 5: Assure the independence of hearing officers by entirely removing SEAs from their selection and training; this could be accomplished by seeding development of center(s) for training and support.

I have previously expressed my concern for the importance of impartiality and independence in the hearing system, as well as the lack of firm guidance from the U.S. Department of Education. Given this record, there appears no alternative to amending the statute to mandate complete independence and impartiality.

Finally, some national program to train and support hearing officers should be encouraged by both OSEP and the states. Given the few hearing officers required, even on a national basis, and the relatively small numbers of hearings and judicial decisions handed down on a periodic basis, it would not require the expenditure of significant amounts of funds to establish a truly first rate training and support facility.

APPENDIX I-A

Following is the text of a questionnaire submitted to approximately 25 state education agencies through SpecialNet. The aggregated results of the survey appear in Appendix I-B.

I have been asked to testify on hearing systems and hearing officers before the House Subcommittee on Select Education early next week. In view of the short amount of time available in which to gather data, I would very much appreciate your providing answers to the following questions, which I have tried to make as few and simple as possible.

>>>>>>> YOUR INDIVIDUAL ANSWERS WILL REMAIN CONFIDENTIAL <<<<<<<<
>>> ONLY AGGREGATE RESULTS WILL BE MENTIONED IN ANY TESTIMONY <<<

FEEL FREE TO INCLUDE ANY OTHER INFORMATION OR COMMENTS CONCERNING HEARINGS THAT YOU BELIEVE SHOULD BE BROUGHT TO THE ATTENTION OF THE SUBCOMMITTEE.

>>>>>> PLEASE ATTEMPT TO REPLY BY NO LATER THAN
CLOSE OF BUSINESS MONDAY, OCTOBER 21.
Many thanks for your assistance. <<<<<

1. STRUCTURE OF HEARING SYSTEM

a) Local and state level hearings
b) State level hearings only

2. TYPE OF HEARING SYSTEM/OFFICERS

a) Administrative law judges
b) Attorneys only
c) Educators, attorneys, etc. (mixed)

3. HEARING OFFICER QUALIFICATIONS

a) Do you have a WRITTEN statement of qualifications that an individual must meet in order to be trained as a hearing officer? (If yes, please send.)

b) Do you have an ORAL policy on hearing officer qualifications? (If YES, please describe.)

4. NUMBERS OF HEARING OFFICERS

a) How many hearing officers do you now consider active (i.e., ready to conduct a hearing if asked)?

b) Does the number of active hearing officers vary much from year to year? If so, why?

c) How many hearings per year would a hearing officer typically conduct (include hearings decided, settled or otherwise concluded)?

5. TRAINING OF HEARING OFFICERS

a) Initial training only

b) Initial and "inservice" (updating) training

c) No training

6. TYPE OF TRAINING PERSONNEL

a) By SEA personnel

b) By NASDSE personnel

c) By private consultants (identify/describe)

d) By law school personnel

e) By others (identify/describe)

7. DURATION OF INITIAL TRAINING

a) one day or less

b) one to two days or less

c) two days or more

8. DURATION OF INSERVICE (UPDATING) TRAINING

a) one day or less

b) one to two days

c) two days or more

9. COST OF TRAINING

Total cost of training hearing officers last year was $____.

10. METHOD OF SELECTING HEARING OFFICERS FOR PARTICULAR HEARING

    a) SEA appoints hearing officer

    b) Rotate appointments among list

    c) Parties strike from list

    d) Other (describe if possible)

11. METHOD OF COMPENSATION

    a) Paid per hearing

    b) Paid per hour, no maximum

    c) Paid per hour with maximum

    d) Other (describe)

Appendix to Testimony October 23, 1985

APPENDIX I-B

Tabulation of responses to survey described in Appendix I-A. Although 25 states responded, figures may not total to 25 since not all states answered all questions.

1. STRUCTURE OF HEARING SYSTEM

a) Local and state level hearings - 16
b) State level hearings only - 9

2. TYPE OF HEARING SYSTEM/OFFICERS

a) Administrative law judges - 1
b) Attorneys only - 7
c) Educators and attorneys - 17

3. HEARING OFFICER QUALIFICATIONS

a) Have a WRITTEN statement of qualifications that an individual must meet in order to be trained as a hearing officer - 10.

b) Have an ORAL policy on hearing officer qualifications - 5

NOTE: 10 of the states have neither a written nor an oral statement of qualifications.

4. NUMBERS OF HEARING OFFICERS

a) How many hearing officers do you now consider active (i.e., ready to conduct a hearing if asked) -

Range: from 2 to 171
Average: 31.25
Median:

b) Does the number of active hearing officers vary much from year to year? Only 1 state said yes; 24 replied no.

c) How many hearings per year would a hearing officer typically conduct (include hearings decided, settled or otherwise concluded) -

Range: from 0 to 12
Average: 2.12
Median:

5. TRAINING OF HEARING OFFICERS

a) Initial training only - 4

b) Initial and "inservice" (updating) training - 20

c) No training - 1

6. TYPE OF TRAINING PERSONNEL

a) By SEA personnel - 23

b) By NASDSE personnel - 4

c) By private consultants - 4

d) By law school personnel -

e) By others - 4 (Attorney General's office; regional resource office)

7. DURATION OF INITIAL TRAINING

a) one day or less - 8

b) one to two days - 10

c) two days or more - 6

8. DURATION OF INSERVICE (UPDATING) TRAINING

a) one day or less - 10

b) one to two days - 7

c) two days or more - 4

Appendix to Testimony October 23, 1985

9. TOTAL COST LAST YEAR FOR TRAINING OF HEARING OFFICERS

Range: 0 to $15,000
Average: $2,190
Median:

10. METHOD OF SELECTING HEARING OFFICERS FOR PARTICULAR HEARING

a) SEA appoints hearing officer - 14

b) Rotate appointments among list - 1

c) Parties strike from list - 5

d) Other - 5

11. METHOD OF COMPENSATION

a) Paid per hearing - 8

b) Paid per hour, no maximum - 0

c) Paid per hour with maximum - 1

d) Other - 5

Mr. **Williams**. Thanks very much.

Ms. Anderson, you mention the true partnership between parents and educators can result, in these adversarial relationships resulting in due process and court procedures, can result in the avoidance of disagreement and cost to both parties. We are currently working an attorneys' fees bill through the Congress. It might be helpful to us if you would elaborate some on your experiences in that regard.

Ms. **Anderson**. In my viewpoint partnership really means equal influence, equal power. The parent training and information centers have worked very hard since 1977 to provide parents with knowledge about their procedural rights, about the substantive issues with regard to their children's education; and as those parents begin to feel confident and competent, they meet with educators feeling they are on equal footing. I believe it is when people feel weak, uninformed they are much more apt to be confrontational and go into a conflict, be in a conflict situation. We have seen this happening. I believe the letter I read earlier in the testimony reflects this. Here was a man who is frigthened of the school system, and training, I believe, is vital to seeing to it this kind of confrontation can be avoided.

Mr. **Williams**. Let me refer to your book by asking you what is not really intended to be a redundant question, and that is, is it possible to negotiate the special education maze and is it Federal regulations that have created that complexity?

Ms. **Anderson**. No. I think not. I think that——

Mr. **Williams**. So no to the first part or the second?

Ms. **Anderson**. I am not sure I have both parts.

Mr. **Williams**. If you read your book, it is possible to negotiate. How possible is it to negotiate the maze? How difficult is the maze for the average—we are all average—for the average parent?

Ms. **Anderson**. Many families who call our center feel the maze is very, very difficult. They will call and say I am going to a meeting tomorrow. I do not know exactly what it is, but I am supposed to do this, that or the other kind of decision. They do not understand the process.

Mr. **Williams**. Is that complexity due to Federal regulation?

Ms. **Anderson**. No. I believe the Federal regulation, once the families are aware of it and cognizant of it, makes them more comfortable in getting through the school system procedures; the procedures are predictable for both parties, for the school system and for the parents.

Mr. **Williams**. Mr. Rosenfeld, should we have a national standard for the selection and education of hearing officers?

Mr. **Rosenfeld**. I happen to be a fan of some state experimentation, but I think 7 or 8 years' or 10 years' experience with this has indicated that the States, left to themselves, have not done very much and, therefore, it appears to me there should be some minimum qualifications for hearing officers. I would strongly encourage that the development process of those standards be as wide as possible and that it not be conducted until some studies are undertaken to determine what the qualifications might be. I am afraid I would have to conclude that some Federal minimum standard would be desirable.

Mr. **Williams**. Have you seen any improvement in it State by State during the past 5 or 6 years?

Mr. **Rosenfeld**. Absolutely.

Mr. **Williams**. Are the States beginning to come to grips with it in any meaningful fashion?

Mr. **Rosenfeld**. I think for most States the hearing process has improved. I think that is because states have gone to a single-tier system. In fact, we have very few two level systems. The ones I have seen are not terribly good. State level decisions have significantly improved, particularly in States where there are a large number of hearings. In other words, the more practice the hearing officer has, the better decision he or she is likely to write. So in those States that have large numbers of hearings, there has been a fairly significant improvement in the hearing system.

Mr. **Williams**. You recommended Congress eliminate—I think this was in your testimony—that Congress eliminate the local due process hearing provision and move those complaints to resolution at the State level?

Mr. **Rosenfeld**. My recommendation may not have been clear. What I would recommend is that there be only one hearing. I think it is better off to have it "at the State level," whatever that means. I have never been particularly clear what that means. I come to that conclusion because I have never figured out why there are two levels of hearings. I almost turn the question around to those who ask why eliminate one, and ask, why have two.

First of all, a two-tier system is more expensive, it requires more delay, more time. It does not in any way deter people from appealing to court if they are going to do that, and it is interesting to note that in those States with the largest number of hearings, with possibly one exception, they have one-level systems. So, if the argument is made, for example, that you have two levels in order to cut down on the progressiveness as they go up, I do not think that the States' experience has reflected that. I think there would be some basis for doing that, yes.

Mr. **Williams**. Thank you.

Mr. Martinez.

Mr. **Martinez**. Just on that last point, and I agree with you, why two hearings, especially if you do not need them. Let's say at the first hearing all parties agree. You are saying when all parties agree at the first hearing they still have a second-level hearing?

Mr. **Rosenfeld**. Depends on the way the State is set up. If there is a two-tier system, if both parties agree with the decision at the first level, there would not be any appeal anyway, if I understand it.

Mr. **Martinez**. So there would not be the second-level hearing.

Mr. **Rosenfeld**. That is correct.

Mr. **Martinez**. So the second-level hearing exists in case there is not agreement at the first level.

Mr. **Rosenfeld**. Yes.

Mr. **Martinez**. So it gives the person who is not satisfied with the local level decision a higher level to appeal to. In that regard, I would say that you would need the two. You said you only need one. A lot of us in Federal Government talk about local level decisions because we come from local government, local control, home rule we call it. I am not always satisfied with home rule even though I am in favor of it. There needs to be a higher authority to appeal to and I would not want to be left to the whims—I would, I guess, if it went in my favor, but if it did not—I would not want to be left to the whims of local home rule.

I represent 14 communities, 14 cities, and I know a lot of times decisions made there are arbitrary.

Mr. **Rosenfeld**. I thoroughly agree with you; and if there was a one-level system, which I still think there should be, I would probably coordinate or run it at the State level. If there is a party who is dissatisfied with that decision, they can still appeal to court the way the law provides now.

Mr. **Martinez**. Sue?

Mr. **Rosenfeld**. Yes.

Mr. **Martinez**. Why is it we have so little information about how the due process system is functioning and the role and qualifications, training, selection and retention of hearing examiners? We pass laws here in Congress, and we never put in place monitoring devices to give us the information we need to know whether those programs are functioning the way the originators of the program thought they should. Why isn't there that?

Mr. **Rosenfeld**. I could not agree with you more that there isn't. However, why there isn't I am at a loss to give you a good answer. I can only speculate. For one thing, the States have no incentive to collect it on an aggregate basis, on a national basis individually. There is no reason the State would want to know other than curiosity or comparative purposes how many hearings or the cost of the hearings or whatever have been held in other States. There is logically only one place that would do that within the Federal Government and it is the Federal Government level.

As I indicated in my testimony, some bare bones data has been collected at least for 1 year, 1980-81 Year End Performance Report. That data asked for the number of hearings at the local and State level and asked for a breakdown of the type of hearings by least restrictive environment, procedural violations, and something else that I do not recall. At the end of that year data was no longer collected. I have no idea why it was terminated. I have tried to get that data. I have not been able to do that. But I suggest it is a subject worth pursuing further.

Mr. MARTINEZ. Let me ask you, and you might clarify for their benefit, the need for the data. Why do you want the data?

Mr. ROSENFELD. I think it is important to have the data for one thing. For example, in the last 2 or 3 years, as I indicated in my testimony, there was an outcry as to the cost of the hearings and so forth. I think it would be more than interesting—I think it is important to know—what hearings cost. They may be too expensive as a lot of people seem to believe. My personal belief is they are not.

Second, we want to know what the trends are in the number of hearings. We want to know what issues are being decided at hearings and how are they being decided. We want to know if a hearing officer consistently decides for one party or another party. There are literally hundreds of reasons to have good data on hearing systems.

Mr. MARTINEZ. I agree with you. Without good factual data you are not able to evaluate anything. I think that is what you are saying, and that is important, which leads me to my next question. In your capacity as managing editor of the Special Education and Handicapped Law Report you have read or at least reviewed a large number of decisions handed down by these hearing examiners. Would you tell us or comment to us on the variation of quality of these decisions.

Mr. ROSENFELD. Yes, I would be happy to do that. I would prefer not to indicate specific States, however. I do not think that would be helpful. There is an extremely wide variation in the quality of decisions. One of the reasons, as I indicated earlier, is that the States with the largest number of hearings seem to have the best quality decisions, and I think that is frankly a reflection of their experience over a longer period of time. Variations arise for two reasons: One is they arise from the nature of the system itself and, second, they arise because of the orientation that the State takes. The system variations are primarily because of lack of practice and so forth, and I think the perception in the States that have low numbers of hearings as to what exactly a hearing is, what a hearing decision is supposed to reflect, I think hearing officers frequently believe that the hearing decision is, because of the individualized nature of the law, just a document for the parties in front of him or her. For better or worse, in fact, it is more than that. It is a record. It is an administrative law record, and it is subject to review at some higher level.

The variations of the second kind I mentioned to you concerning the State orientation. There is variation, for example, in the type of issues brought before hearing officers and some of them are truly incredible. I should deviate for a moment to observe that the sources and types of law that a hearing officer should be current on, should be familiar with, are incredibly large. There are Federal statutes and regulations; there is Federal case law. There are State statutes and regulations, State case law. There are Federal policy documents, State policy documents and I can tell you that many school board attorneys have difficulty trying to keep on all that information and using that to advise their clients, and they do it all the time.

If you have a hearing officer who has done this three times in a 2-year period, he or she is going to have a great deal of difficulty in figuring out what the law is.

There has also been variation in terms of simple clarity of the writing. There is variation in terms of format of the decision as to what the decision contains. From a systems perspective in terms of looking at the decision with regard to its utility, if the decision is appealed, there is frequently inadequate legal reasoning or analysis. There is a statement of what a regulation says and then there is a statement, therefore, Johnny should or should not do this.

I think a lot of variation of this type, frankly, is due to inadequate training and support.

Mr. MARTINEZ. Thank you.

I yield back the balance of my time.

Ms. ANDERSON. Mr. Chairman.

Mr. WILLIAMS. I will ask you to summarize because the gentleman's time has long since expired.

Let me give you 1 additional minute to respond.

Ms. ANDERSON. I just wanted to comment on the two-tier system from the point of view of a parent organization, and it seems to me one of the values of a two-tier system for due process hearings is that the Federal and State regulations have a time limit for each of those hearings to come down. It seems to me if one of those hearing levels is taken away there would, indeed, be a time limit for the one hearing and yet to go on into a civil court there is no time limit as I understand it on the civil court proceeding coming forth, and I believe that would be detrimental to the parties, especially to the child whose education is at stake.

Mr. WILLIAMS. With regard to this matter of the need for additional data, again I respond with one of my favorite subjects. The Congress hears two voices in America, one saying no more data collection, and the other voice is from those people's representatives, from their associations, from the people that in large measure they choose to send back as witnesses before these congressional committees. Although we invite you, we ask many, many people to make recommendations as to who we should invite to come and testify. Time and again, the representatives of the American people sent here to Washington to testify tell us that we are not collecting enough data or that the data we are collecting is not the proper data, and we need to change that moving target just one more time.

The last two people elected to the highest office in the land, the Presidency, have been elected not in small part on their campaign rhetoric against redtape and data collection by the Federal Government. Yet, witness after witness comes here and tells us that we need either more of it or to do a better job of it. Quite often, many witnesses say what you have said to us, Ms. Anderson correctly said to us, and that is much of the data in fact provides simplification of what otherwise would be great complexity for those using public services.

The point is the Congress is faced with a very difficult political dilemma on this issue.

We appreciate both of you being here, and your counsel has been very helpful.

[Committee insert follows:]

COMMITTEE ON EDUCATION AND LABOR,
SUBCOMMITTEE ON SELECT EDUCATION,
Washington, DC, October 31, 1985.

Ms. WINIFRED ANDERSON,
Parent Education Advocacy Training Center,
Alexandria, VA.

DEAR MS. ANDERSON: Thank you for taking the time to present testimony before the Subcommittee on Select Education regarding the reauthorization of the Education of the Handicapped Act. Your testimony was extremely helpful.

Because of the number of witnesses testifying at the hearing, I was unable to ask several questions that are of interest to me. I would appreciate it if you would answer the questions set out below. The hearing record will be open until November 15 to include your responses to these additional questions.

(1) When parents and school officials are unable to resolve differences and they need to resort to due process, do you recommend that parents try to represent themselves?

(2) If an attorney is not available or a parent cannot or chooses not to use an attorney, is it preferable for the parent to represent himself or herself or for the parent to try to find a lay advocate?

(3) Would you support the training of lay advocates? Does your organization perform that training?

Best regards.

Sincerely,

PAT WILLIAMS.

PARENT EDUCATIONAL ADVOCACY TRAINING CENTER,
Alexandria, VA, November 12, 1985.

Hon. PAT WILLIAMS,
U.S. House of Representatives, House Office Building, Annex 1,
Washington, DC.

DEAR CONGRESSMAN WILLIAMS: I appreciate the opportunity given to me to present testimony to the Subcommittee on Select Education regarding the reauthorization of discretionary programs of the Education of the Handicapped Act. In addition to the oral and written testimony presented, I submit for the record the following responses to the questions asked in your letter of October 31, 1985.

Question 1. When parents and school officials are unable to resolve differences and they need to resort to due process, do you recommend that parents try to represent themselves?

Parents under no circumstances should attempt to represent themselves in a due process hearing. In our experience even the most knowledgeable and sophisticated parents have not been successful when they have gone before a hearing officer to plead the case for their own child. The parent who represents himself can be likened to the proverbial attorney who in taking on his own case chooses a fool for a client. By the time a disagreement has reached the level and intensity requiring a third party hearing, parents cannot set aside the emotional investment in their child and in the situation to formulate and present an objective argument before a hearing officer. In many cases, they would find themselves opposed by a school attorney, or by a school professional whose experience in proceedings has given them skills equal to an attorney. In many of the larger school systems, there are school employees whose sole responsibility is to represent the school in administrative procedures and court actions. Parents ordinarily do not have the skills required for successful participation in a due process hearing, for instances, presentation of evidence, examinaiton of witnesses, raising of objections, and legal interpretations. Parents going alone into a due process hearing place themselves and their child at a decided disadvantage.

Question 2: If an attorney is not available or a parent cannot or chooses not to use an attorney, is it preferable for the parent to represent himself or herself or for the parent to try to find a lay advocate?

As indicated before, it is never advisable for a parent to represent himself in a due process hearing. Under circumstances in which an attorney is not retained, certainly a lay advocate can assist greatly in presenting the child's special education needs. This situation is far preferable to parents going alone. In a formal hearing, however, the parents' case is best set forth by a skilled attorney.

Parents' rights and privileges encompass far more, however, than the issue of due process hearings. In informal meetings such as eligibility hearings, IEP conferences, placement decisions, and administrative reviews, all of which are less legalistic than due process hearings, the lay advocate has a valuable role to perform. Coming to these meetings with a strong background in special education, a lay advocate is more apt to keep the focus on substantive educational issues relevant to the child's special education. This perspective is the major contribution provided by the lay advocate.

Question 3: Would you support the training of lay advocates? Does your organization perform that training?

I do support the training of lay advocates. Lay advocates have proven to be effective in resolving disagreements between parents and school systems. In many cases they have been instrumental in facilitating communication with school personnel and have thereby prevented escalation of the conflict to the level of due process. Specifically, lay advocates provide individual consultation to parents. They help to clarify the special education procedures, assess the child's educational status, interpret tests and test scores, specify goals and objectives, prepare for school meetings, and when necessary, participate in due process appeals.

In order to function in these varied ways, lay advocates require specialized training. Such training is a complex process and is not to be done in a superficial manner. Our Center has trained several lay advocates and currently has educational consultation as one of our services. The trainees have professional backgrounds in special education, *and* are parents of children with special education needs. The course for advocates includes: the substantive and procedural rights under the Education of the Handicapped Act; still training in the consultation process; seminars led by attorneys and educators concerning legal and educational issues; and ongoing supervision.

I believe lay advocates have an important role to assist families in securing free, appropriate educational services for their sons and daughters promised under the Education of the Handicapped Act. In order to function in that role, they require thorough preparation and supportive supervision. I, therefore, support the development and implementation of high quality training programs for lay advocates.

I appreciate the opportunity to present the views of the Parent Educational Advocacy Training Center at the hearings and in this letter. Please feel free to contact me if you have further questions.

Sincerely yours,

WINIFRED ANDERSON,
Executive Director.

Mr. WILLIAMS. Our final two witnesses today, Dr. Smith-Davis and Professor Belamy, may come to the witness table. Dr. Judy Smith-Davis is editor of Counter-Point, is with us today from Reno; and Professor Belamy is with us from the University of Oregon.

STATEMENTS OF JUDY SMITH-DAVIS, EDITOR, COUNTER-POINT, RENO, NV; AND G. THOMAS BELAMY, PROFESSOR, UNIVERSITY OF OREGON

Mr. WILLIAMS. Dr. Smith-Davis, we will start with you. I am going to turn the gavel over to my colleague, Mr. Martinez, for a few minutes. I will return very shortly.

Dr. SMITH-DAVIS. Thank you very much for the opportunity to be here, and I also want to thank the committee for its concern about personnel preparation for education of the handicapped.

I heard your concern specifically about this testimony, and my prepared statement has attempted to address some of the areas of concern which you are most interested in, and very briefly I will try to overview some of those concerns.

To preface everything, I want to begin by emphasizing that there is a difference between apparent needs for personnel such as body counts and counts of open positions that, if filled, would perpetuate the status quo. That is one kind of a need. That is the apparent need, and the real needs are that which would tend to help to improve the quality and equity of education for the handicapped.

I think the difference between those two kinds of needs can be demonstrated quite clearly in some of the Band-Aid and emergency approaches that school districts across the country are having to take because of shortages of personnel and because of fiscal exigencies that do exist. Districts are doing some remarkably good things, but nonetheless they are under a great deal of pressure to conserve funds, to spread funds, and to take a look at measures that would tend to separate personnel in areas where it is very hard to find any personnel.

Some of the examples of the Band-Aid approaches that I do believe are obscuring the true real need for personnel are these:

Student-teacher ratios in education for the handicapped have been increased in many, many areas of the country for the past 3 to 4 years. This became an acute problem in 1981–82 when many States underwent a lot of budget cuts, layoffs, reorganization. Last fall in a national survey we found that the situation really had not improved and in five States requests for waivers to increase student-teacher ratios among handicapped groups were still increasing.

Another one of the Band-Aid approaches that tends to obscure real need for personnel is an inappropriate multicategory grouping of students where one might have 10 students with markedly different handicap levels of severity in handicaps and an attempt to group all these together under one teacher for instruction because it saves having two teachers. In that event, that grouping can obscure the real need for personnel.

Another thing I believe that could be obscuring the real need for personnel—I will dwell on this a little more—is the mass movement of handicapped children into regular education classrooms.

I want to make very clear that everyone in my profession would find that to be the ideal thing that could possibly happen, to have handicapped children educated in that environment. I do believe that somehow in the past few years least restrictive environment have become synonymous with regular classrooms. I am not at all sure that is what the act intended. If it did I don't know why we didn't say that in the act to begin with.

We need to look at the individualized education plan and the individualization that implies. We also need to look at the overall readiness of regular education to undertake 75 percent of our children now in the classrooms.

We also need to know that one shot, spotty in-service programs are not going to do the trick. You don't turn a person into a special education authority by a few in-service workshops. It will take prolonged, intensive training if these people are going to be adequately prepared. Since we already have somehow or another in the past few years put 75 percent of these kids in regular classrooms, we have got to ask ourselves, do we want to sacrifice this generation of kids, while we prepare and figure out what to do? I think the movement into regular education, because it is so much less expensive, is indeed obscuring more needs for special education personnel, particularly teachers, and the kind of personnel that need to be there to help the regular classroom teachers. This is indeed the way we are going.

The worst possible problem that is obscuring the needs for personnel is the need for emergency provisional out-of-field permits. Whatever you want to call it, people certified that don't have it. This is occurring en masse. Every State has this problem across the country. I think you could say 20 to 30 percent of the special educators or special personnel are not certified for special education.

As of last spring a State like Louisiana reported 47 percent of its special educators were not certified as special educators. Now, I submit that just these few Band-Aid approaches tend to artificially decrease the demand for personnel; it makes it look like you need less because you have higher student-teacher ratios, because you are putting all kinds of kids in groups they don't belong in because you are pushing a lot of kids into regular education.

On the other hand, these same approaches that school districts quite justifiably in many cases have to take because they have to comply and provide services. These same measures are tending to artificially increase the supply of personnel, make it appear that we have more than we have because so many people are not certified and qualified to do the work that they are doing.

Now, let's look at what the conventional data show us about the demand for personnel. Education for the handicapped is fairly new and I am sure everyone is wondering why, after 10 years of 94-142, we still need more people. It is a fairly new concept and I think when we are talking about massive change, such as has occurred with making special education a right of all handicapped children, we have to acknowledge it will take time.

The preparation of personnel is the backbone of this, to have qualified people that know what to do, know how to guide children in their learning. As long as I can remember we have had great needs for special education personnel. The needs are becoming greater right now because so many fewer people are going into the field, so many people are leaving the field. The shortages that have been predicted for the past 5 years are coming to pass.

I have talked to many States just before coming here to see what the situation was. Personnel shortages are becoming the No. 1 problem that people need to solve and this is not confined to certain areas.

Suburban Chicago last week did not yet have enough special education personnel to fill open positions. We are just talking about open positions, we are not talking about provisional certification and all the other sorts of things that need to be addressed.

The Albuquerque public schools—I think each would agree that is a desirable location—when opening schools this fall didn't have enough people. Probably still doesn't. So this is a widespread problem that is going to get worse.

In my testimony on pages 18 to 20 I talk about the need for all types of personnel across the country, and I listed a number of areas that were in greatest demand. To save time, I will not recite them again, but they are in my written testimony.

A little bit about the supply of personnel. Where are the new people going to come from and where are the current people going?

The attrition rate in special education is far greater than the 6 percent that was noted in the seventh annual report to Congress. Most States will tell you that their attrition rates are 20 to 30 percent of people leaving the field after a few years. The job market is opening up, there are many more attractive and lucrative positions and respectable, I might add. Up to 50 percent attrition is reported in some locations that are less desirable. I think inner city schools are experiencing very great problems in that regard.

In areas where people are teaching in severely handicapped areas, multihandicapped and emotional disturbances, there have been reports of up to 53 percent turnover after 3 to 5 years, because of burnout. That is a highly stressful kind of work that people cannot keep doing for years and years and years.

They are leaving for other reasons, and one of them is the depopularization of education by the President and politics. All of us are feeling it. We hang our heads and we are not stupid, and we are not incompetent. There are thousands of people that could be sitting in this chair today who are not stupid and not incompetent. We all feel it and if we feel it in the profession, I can't imagine how discouraging this must be to anyone who has yet come into the profession.

Preservice enrollment is declining in most of the colleges and universities across the country. There is information in the report that tells you the higher education enrollment is declining and particularly in teacher education programs. Current estimates of enrollment are often inflated by master students who are already practicing teachers going back for recertification and being counted as new personnel when, in fact, they are not new personnel, they are already working, they happen to be in the masters program.

Last year, in the 1984, 51 of 57 States and territories reported that the higher education programs that existed within their boundaries then could not begin to supply the number of personnel they needed to staff their schools. The declining supply of personnel as far as I can tell is only beginning to emerge.

Therefore, as far as supply and demand, there are very clearcut demands for personnel that are not met. There is reason to be quite alarmed by the new supplies of people in the next 5 years, and beyond that, if we really want to have a quality education for handicapped or anyone else. We need to be very concerned about the band-aid approaches that are tending to obscure the needs we really have.

As far as higher education programs for personnel preparation for the handicapped, 3 years ago we had about 698 of these programs in large State universities. Today, we have fewer because we have lost some because of financial cutbacks in the States.

Many of the higher education programs do not supply just their own State but they supply teachers to a whole region or all over the country. It is very hard to go to your State legislature and ask for money to support that kind of thing when a great many of our efforts go beyond your State boundaries and if that wasn't the case, we would have greater shortages than we do right now.

Teacher training at college and university campuses has always been underfunded. Teacher training receives less money than any other department on campus. Fiscal cutbacks in recent years have led to a reorganization of special education programs on the campuses. Personnel people are spread too thin and right now I think there are very, very few programs in the country that can do any kind of expansion to get into more new programs or programs that could produce more personnel to meet some of these needs.

The need for doctoral people is extremely great. The higher education consortium for special education is endeavoring to survey all training programs in the country and find out where we are with personnel. We have had about three generations of doctoral people come through in the past 20 years. The people that we really have now in our field, the first generation, has retired or gone. The second generation will be reaching retirement age in the next 5 to 10 years. The new generation is taking many, many kinds of positions outside of special education.

We are now fortunate that special education people are becoming deans, superintendents of schools, and so forth. So there are many, many more opportunities, but we need to be very concerned where we are going to be in 5 years unless we continue to emphasize the doctoral priority. People that go to the doctoral have already been through two cycles of education and have been in the field between those. We don't want people to get bachelors and masters and then doctorals and never work because they do not have the experience that we need.

By the time you go to the doctoral program you are married, you have children, you may even be getting ready to send your own children to college. You might have to move away from home because there is only 61 of these programs in the country, and so all kinds of hardships ensue. They have to have some stipend, they have to have fellowships and these programs themselves need support to attract people to them.

There have been a lot of improvements and there continues to be improvement in higher education. I have tried to spell out quite a few of them in my testimony. There have also been organizational initiatives by the Council for Exceptional Children, American Speech, Hearing, Language Association, a number of organizational guidelines for professional standards, and so forth, that have been developed.

I think you can be proud about what personnel preparation has done with the Federal funds and with the profession in the past 10 years. There also are State initiatives, teacher testing. I think the teacher testing is yet another place where quality and conversion can do some strange things. I refer to the fact that there are such great teacher shortages in areas such as math, the sciences, bilingual education, and special education. You know what they do to solve that sometimes. They lower the cutoff scores on the teacher test in a State in certain highly critical shortage areas in an attempt to get more people in. Pretty soon, a teacher will be able to be like wine—I was produced in a vintage year when the cutoff scores were high, or I was produced in a low year and, of course, that cuts the shortage here. You cut into quality of everything we are trying to do.

As far as the Part D Program, there is a very long history of part D that we can learn from. A lot of things have been tried, a lot of things have succeeded and a lot of things have been refought, and I think one thing we need to do is go back through history of all of it as an individual before we repeat any of the mistakes of the past. We can use some of the history to address some of these problems that we have today.

We need a coherent national program that concentrates these scarce resources on the major problems that we have had. We do not need a politically oriented program that puts a million dollars here, a million dollars here, a little bit here, a little bit there, to the extent that no real impact can come from any of those tiny bits of money, we need a coherent program that will stimulate a good professional responsibility from the field and will get some of these problems sold.

We want to also make sure that these priorities are in fact within the law and intent of the Congress had when the law was enacted. We need consistency, we don't need the constant fluctuations that have begun to become the rule. Some of my colleagues even referred to it as the banana republic atmosphere. First it is in and then it is out, and up and down, and having these sorts of massive changes happening every 2 or 3 years are not going to have any long term impact on solving these problems.

I think there should be more collaboration with the professions and with the field of special education in determining what the needs are and how they can best be met. I think we ought to think about supporting programs and not just projects. The teachers education programs in many senses are fighting for survival and I think we need to look at how best to support them because in fact it is the programs that produce the personnel overall.

We certainly need to recognize the importance of leadership training, preparation of doctoral personnel for a variety of positions. We need to look at recruitment, what incentives can we give to start attracting the best people back into special education and how can we have an organized recruitment program and a recruitment program that might help that.

We need to emphasize innovation and experimentation in this program, which has for so long helped to solve problems.

Last, we need to think that we have a plan change. We don't get real change with all this shifting around every 2 and 3 and 4 years. We need to have a long term plan. We need to have a plan that says how do we get from today to 10 years from now and be better off 10 years from now, and we need to look at how long are those Federal funds going to be necessary. You are never going to know that without a long-term plan.

We clearly have a need for personnel, hidden needs, real needs. The supply of personnel is becoming a significant problem. The colleges and universities are experiencing declining enrollment and many setbacks, and I think that all together, we have a very significant problem right now coming up and I think that Part D Progam under the reauthorization hopefully will will respond to all of those problems.

[The prepared statement of Judy Smith-Davis follows:]

PREPARED STATEMENT OF JUDY SMITH-DAVIS, PH.D.

President, Counterpoint Communications Company

I am honored with the invitation to appear before the Subcommittee on Select Education of the U.S. House of Representatives' Committee on Education and Labor to offer testimony concerning the reauthorization of the EHA discretionary programs. To preface my comments, my qualifications to testify on the preparation of personnel for education of the handicapped are summarized.

I am a special educator with more than 18 years of experience, and am also a writer, networker, synthesizer of information, and analyst of data. I work for a small company that I formed for purposes of dissemination and communication of practices in special education, teacher education, and related disciplines, through publications, electronic networking, human networking and direct assistance. I am currently Editor-in-Chief of a national special education newspaper called Counterpoint.

From 1976 to 1979, under a federal grant, it was my job to disseminate information on the Program Assistance Grants and Special Projects funded by Part D and administered by the (then) Bureau of Education for the Handicapped, in whose offices my desk was located for three years. In 1979, I undertook the direction of a national project called Dissemin/Action, which provided direct assistance in dissemination, networking, product development, identification and adoption of promising practices to several hundred personnel preparation programs, state and local education agencies. Through this project and my independent work, I have collaborated with virtually all of the state education agencies in the country, primarily with respect to the implementation of the Comprehensive System of Personnel Development.

I wish to emphasize to the Subcommittee that I am also a trainer of parents of handicapped children, through the TAPP Project in Boston, Massachusetts, through several Regional Resource Centers, and most recently in parent training activities for parents in remote counties of rural Nevada.

The dividing line in my career occurred in 1974, when I entered the doctoral program at the University of New Mexico. Prior to that, I was the founding director of a proprietary school for seriously disturbed adolescents in Norfolk and Virginia Beach. Before that, I was an English teacher at Northside Junior High School in Norfolk. In all, I have had ten years of experience in teaching in public schools and residential facilities, as well as four years of teaching adults.

It is from the vantage point of these various roles that I present testimony concerning the reauthorization of the EHA discretionary program for personnel preparation for education of the handicapped. The testimony itself is intended to provide background on the issues that I perceive to surround this topic.

1. THE NEED FOR PERSONNEL TO EDUCATE THE HANDICAPPED

In examining the future of the federal discretionary program in personnel preparation for education of the handicapped, it is first necessary to understand current and future needs for such personnel. Areas of concern include: the demand for new personnel, the supply of new personnel, and variables that must be considered in interpreting issues of supply and demand.

A. Factors that Obscure Personnel Supply and Demand in Special Education

The Seventh Annual Report to Congress on the Implementation of the Education of the Handicapped Act (Division of Educational Services, Special Education Program, 1985) presents data concerning the numbers of handicapped children served under Public Law 94-142 and Public Law 89-313 for 1976-77, 1982-83, and 1983-84, and shows numbers of special education teachers employed for school years 1976-77, 1981-82, and 1982-83. These data display that "the total number of special education teachers employed has increased steadily from 1976-77 . . . (and) this trend reflects both the success experienced by the states in serving increasing numbers of handicapped children and the effects of the federal efforts to prepare personnel" (p. 51). The report also cites "a 2.4 percent increase in teachers, compared with a 1.5 increase in children served" (p. 51).

At the same time, the authors of the report recommend that these data "be interpreted with some caution" because of varying state definitions for given categories of personnel and varying interpretations of full-time equivalency, and because "these figures do not account for the number of teachers who are certified but do not have a degree to teach handicapped children" (p. 51). The authors further note that "these numbers do not represent vacancies but rather the number of teachers needed to fully serve handicapped children" (p. 51.).

The cautions included by the authors of the Seventh Annual Report to Congress are quite appropriate, their view that the numbers represent the teachers needed to fully serve handicapped children is open to question, and this testimony will elaborate on both of these issues in some detail, as follows.

Problems in Measuring and Projecting Manpower Needs

The University of Maryland's national studies of personnel supply and demand in special education (Smith-Davis, Burke, & Noel, 1984; Noel, Smith-Davis, & Burke, in press) have been based on the premise that the conventional approach to examining manpower levels (by counting persons entering the profession or preparing to do so, and counting current and projected positions reported by consumers of personnel) does not provide an adequate picture of needs. This is because conventional "measurements and projections tend to exclude consideration of many internal and external factors that influence manpower issues: for example, working conditions and attrition, population trends and shifts; certification criteria (and departures from these criteria); recruitment standards; personnel caseloads and instructional groupings of children; political, social, and economic fluctuations that influence not only career choices but also program growth or decline and public support; and a host of other fluid, situational factors" (p. 1). In reviewing major studies of overall teacher supply and demand, Roth (1981) acknowledged these factors, as well as the additional confusion that results from "a failure to distinguish among supply and demand data, method of collecting data, and technique used for projections" (p. 43) and pointed out the variability of results reported by the studies he reviewed.

It should be a matter of serious concern that traditional manpower surveys have a propensity for obscuring fundamental problems associated with school staffing. It is entirely possible, for example, that a school district might report no vacant positions, or even a surplus of available personnel, yet demonstrate a genuine need for manpower.

> Defining teacher demand in terms of personnel needed to meet or maintain the full educational opportunities goal for handicapped children is to determine need for personnel by establishing categories of service which should be available in any given school district. Historically, however, teacher demand is defined by numbers of vacancies filled or by unfilled positions for which a student population already exists. This approach is related to the level of services which the local school district is willing and able to maintain. (Illinois supply and demand for special education, 1981, p. 8)

State and local education agencies are required by national and state law to serve handicapped students in public education. At the same time, a number of factors mitigate against this effort, notably fiscal pressures and problems in recruiting and deploying sufficient numbers of qualified personnel. In response to these difficulties, school districts must take whatever measures they can in order to remain in compliance with the Law. In many instances, however, these measures tend to obscure the actual needs for personnel because they artificially reduce the apparent demand and/or because they artificially increase the apparent supply of personnel. Further, certain certification policies, waivers, and administrative arrangements (all in the service of greater flexibility for school districts facing these problems) also obscure the real needs that do exist for qualified personnel.

It is, therefore, submitted that:

1. The current supply and demand figures and projections from any conventional source do not accurately establish the need for personnel in special education and related services;

2. The issue of quality of services offered by public education is intimately bound up with the issue of quantity of personnel available; and

3. These problems affect not only special education but general education, as well.

The remainder of this portion of the testimony will offer evidence to substantiate these claims.

Student/Teacher Ratios

As of the 1982-83 school year, class and case loads in special education were reported to be increasing in fully half of the states; in some cases, these ratios had reached the maximum allowable limits on the average, with numbers of children exceeding the maximum in some or many settings (Smith-Davis, Burke, & Noel, 1984; Teacher Education Division, 1984). The tilting of ratios was reported as attributable: "to shortages of personnel; to recruitment difficulties; to reductions in force (which occurred in 1982 in some areas in response to state fiscal shortfalls); to cases where a small number of handicapped students represents an overload for one teacher but is not thought to justify an additional full-time employee; and to program reorganizations that reduce human resources without a corresponding decrease in the handicapped pupil population" (Smith-Davis, Burke, & Noel, 1984, p. 7).

In the survey for the 1984-85 school year (Noel, Smith-Davis, & Burke, in press), although general concern over continuing expansion of student/teacher ratios had subsided somewhat, states did not report general decreases in ratios and five reported that requests for waivers had increased since 1982-83.

All but six jurisdictions (states and territories) are vulnerable to expansion of class and case loads by virtue of the fact that the remaining jurisdictions have the authority to grant exceptions or waivers on the request of local school districts to exceed formal or informal guidelines on class size and case loads (and, in some of these, the districts have autonomy on these decisions). Some of the results are as follows:

* One state, with locally determined student/teacher ratios, reported some resource room loads as high as 85 students per teacher per week. This state also reported that "the squeeze affects all areas, but may be less severe in smaller districts where there are fewer children." The primary cause for overloads is described as money; "one way to stretch money is to extend the student/teacher ratios."

* In another state, districts are reimbursed up to a certain number of staff members, and this formula, along with general budgetary decreases and increases in numbers of handicapped students, has resulted in overloads in some districts.

* Another state sees overloads both as a result of personnel shortages and as an outcome of administrative decisions to increase or exceed class load guidelines in order to accrue maximum fiscal efficiency.

* Still another state reports that 54 percent of its districts had applied for waivers to exceed maximum class sizes and, in addition, some were seeking to place certain low-incidence students (e.g, hearing impaired) in classes with learning disabled students.

* Another state official reports "lots of requests for rule exceptions, including increasing class size and mixing disabilities due to lack of teachers. The fewer the number of rule exceptions requested, the more the number of temporary certificates is increased. If districts cannot handle difficulties by case load exceptions, they do it with temporary certification."

The issue of increasing student/teacher ratios in programs for mildly to moderately handicapped students is fairly widespread. The majority of waivers appear to be granted for these program categories, while class sizes for more severely handicapped students have occasionally been reduced in recent years. As an example of regulated increases in ratios, one state has changed its regulations to raise the maximum resource load from 23 to 27 students, in part, according to the spokesperson, "to help large population areas because they can get by this way with fewer teachers."

There appears to be little consensus regarding rations. What is clear, however, is that student/teacher ratios in special education continue to be adjusted to accommodate both manpower shortages and economic constraints, and the impact on program quality has yet to be scrutinized.

Inappropriate Multicategorical Grouping

Pupils with varying types of handicaps are often grouped for instruction, most commonly in resource rooms, learning labs, inter-related classrooms, or multi-handicapped self-contained classrooms. Mildly to moderately handicapped students predominate in this service delivery model, whose theoretical rationale is that students should be grouped according to instructional characteristics and needs, as indicated by the Individualized Education Program, regardless of the label that may be assigned to them.

At the time of the 1982-83 Maryland manpower survey, concern was growing about misuses and abuses of the multicategorical model, apparently stimulated, in part, by fiscal problems experienced by the majority of states and territories at that time. Because of program cutbacks, reductions in force in some locations, and other measures for dealing with funding reductions three years ago, many districts reportedly wanted more flexibility in programming and placement. Personnel shortages and staffing pattern dilemmas also contributed, and expansion of multicategorical grouping was one solution at that time (Smith-Davis, Burke, & Noel, 1984).

Information gathered in the 1984-85 survey showed that 31 states or territories continue to express concerns about inappropriate multicategorical grouping of handicapped students. The kinds of problems identified are these:

1. The number of students assigned to one teacher is excessive. Exhorbitant demands may be placed on resource room teachers in terms of case loads and multiple preparations for the various students they will see in a day or week, and teachers are not qualified to deal with these multiple responsibilities.

2. The diversity of students placed in one group is excessive. In some localities, districts can request variances to enlarge the number of categories of handicap that can be served in a multicategorical resource room or interrelated class. In such instances, the diversity of handicaps and learning needs can become exceedingly great and low-incidence students may be merged with more mildly handicapped students.

3. The model is misused to solve staffing problems in rural contexts, where a small number of handicapped students with varying problems may, under current funding circumstances, justify only one teacher or less than one full-time teacher.

4. Fiscal considerations lead to misuses of the model; it is convenient for expanding teacher loads and spreading resources.

5. Certification policies are associated with misuses of the model; generalist certification stimulates growth in multicategorical placements.

6. There is considerable question as to whether college and university programs can adequately prepare cross-categorical personnel in four years.

7. Confusion has been created by the transition from an earlier categorical model to a new noncategorical model of service delivery.

The Movement of Handicapped Students into Regular Education

The increasing assignment of mildly to moderately handicapped students to regular education for all or part of the school day (as initially reported in the 1982-83 Maryland survey) emerged in a greater number of jurisdictions in the 1984-85 survey. The education of handicapped students in the least restrictive environment is not only a fundamental right guaranteed by Public Law 94-142, but is also a goal much to be desired by parents, professionals, and the students themselves. At the same time, these advocates for least restrictive educational placement would be likely to agree that the best terminology might be "most enabling environment," a concept that has been defined in various ways. For Thomas (1980), "the environment chosen for a particular child can only be the least restrictive if it is also the most productive" (p. 8), while Heron and Skinner (1981) apply three variables in defining the least restrictive educational setting: (a) does it maximize opportunities for the handicapped student to respond and achieve; (b) does it allow the teacher to interact proportionately with all of the students; and (c) does it provide opportunities for good relationships to develop between handicapped and nonhandicapped individuals?

On the basis of the Maryland manpower studies, a major contributing factor in the current reality of regular class placement is reported to be the federal emphasis. Funding is another factor. The movement of children from resource rooms to regular education, or from self-contained classes to resource rooms for greater portions of the school day will generally expand the number of students per teacher and is therefore less expensive (Smith-Davis, Burke, & Noel, 1984; Noel, Smith-Davis, & Burke, in press).

Among the fifty states and seven territories included in the 1984-85 Maryland study, more than forty reported a greater emphasis than in 1982-83 on placing mildly to moderately handicapped students in regular education for some portion of the day. Some jurisdictions reported that 80 percent or more of all handicapped students are so placed. Although learning disabled students are leading the way in regular education placement, the overall pattern also includes educable mentally retarded students, behaviorally disordered students, and some students with sensory impairments, health and other problems.

According to the Seventh Annual Report to Congress (Division of Educational Services, Special Education Program, 1985), during the 1982-83 school year 67 percent of the 4.3 million students served under Public Law 94-142 received special education services in resource rooms, while only 26 percent were served in self-contained situations. It is currently thought that as many as 75 percent of students may be placed in resource room/regular education or exclusively regular education settings.

Two jurisdictions did not in 1982-83 and do not now endorse the movement toward the resource room/regular education as the least restrictive placement for mildly to moderately handicapped students. These are the State of Maine and the Territory of Guam. Maine has questioned the efficacy of the noncategorical resource room and "is moving back to more self-contained instruction with capable people. A move to more self-contained instruction will not be easy because of costs, which are always an issue when it comes to self-contained classes. . . . Maine is stepping back from mainstreaming handicapped students in regular education, and other alternatives are being developed. There are fewer handicapped children in regular education in 1985 then there were in 1982" (Maine Director of Special Education, as reported in Smith-Davis, Burke, & Noel, 1984, and in Noel, Smith-Davis, & Burke, in press).

After an extended period of resource room placement, the Territory of Guam has re-established some self-contained classes and expects to establish more.

Guam's five-year analysis of service delivery modes shows that handicapped students who were initially placed in a resource room for less than 50 percent of the school day end up spending more than 50 percent of their time in the resource room as time passes. According to the spokesperson from Guam, "This is definitely tied to the progression through the grades and is more dependent on reading ability than on any other single variable. It is also tied to the whole general problem of low-performing students. For the majority, their whole reason for being in the resource room is their nonsuccess in the regular program. So it makes no sense to change their placement to regular education. There is an inability to effect change in regular education programs. With each advancing grade, regular education teachers are more committed to teaching subjects, not kids. We need to take a closer look at regular education's real ability in the long run to respond to low-functioning kids" (Assistant Superintendent, Guam Department of Education, as reported in Smith-Davis, Burke, & Noel, 1984, and in Noel, Smith-Davis, & Burke, in press).

Unqualified Personnel

"When supplies of any resource are plentiful, the tendency is to sort and select the superior; when supplies are scant, one settles for less. In special education, the most widespread solution to problems of personnel shortages and recruitment problems is the issuance of certificates to persons who do not demonstrate the preparation, experience, qualifications, and other criteria ordinarily used for certification" (Smith-Davis, Burke, & Noel, 1984, pp. 229-230). The 1982-83 Maryland survey showed that up to 30 percent of special education personnel in some jurisdictions were thus working with children with whom they had had minimal experience or preparation (Smith-Davis, Burke, & Noel, 1984), and the matter of emergency certification continues to be a national concern.

In the 1984-85 Maryland survey, 13 states reported that they were issuing more emergency certificates than they had in 1982-83, and reports of 42 to 47 percent of special education teachers so certified have been received; only two states have eliminated the practice through legislative action. Of the seven states reporting a decrease in emergency certification, only Alaska indicated that no special education teachers were minimally certified, and teacher salaries that are the highest in the nation were cited as the reason for Alaska's adequate supply of fully certified teachers (Noel, Smith-Davis, & Burke, in press).

In addition, many comprehensive special education teaching certificates do not restrict the areas in which a certificate holder can work, but only specify the area of specialization for which the holder was trained. This introduces further ambiguity to issues of quantity and quality. Because so many positions are filled inappropriately or inadequately, traditional data on manpower supply and demand cannot specify the true nature and dimensions of the need.

Similar problems in general education are examined in a new report called Making Do in the Classroom: A Report on the Misassignment of Teachers (Council on Basic Education, 1985). According to this report, "nationwide, thousands of teachers stand before thousands upon thousands of children, charged with instruction in disciplines not their own. And these are not peripheral subjects but English and math, history and science. . . . (and) while three-quarters of the states possess an explicit policy or regulation acknowledging that out-of-field teaching is pedagogically unsound, few or none have reliable means for measuring the incidence within their own jurisdictions" (p. 6). "More disturbing still are the countless legal exceptions to minimal regulation. In emergency situations, as defined by local authorities, teachers may be assigned as needed. . . . Most states in the nation permit exceptions in one form or another to standard certification. How strictly these exceptions are limited varies widely" (p. 7).

Conclusions: The Obscuring of Personnel Needs

This testimony concerning policies and practices that tend to obscure actual needs for personnel has, of necessity, presented situations that are not ideal. The purpose has been to demonstrate several problems with which school districts and states are dealing in the effort to ensure that all handicapped children and youth receive services. The measures that are being taken are not without justification, given the constraints that have also been outlined. At the same time, it would be possible to discuss at great length a number of excellent programs and initiatives taken by state and local education agencies. Having gathered much information on successful district, state, and higher education practices, I would be very pleased to furnish this separately to the Subcommittee. That these more positive efforts are not included here does not mean that they do not exist; rather, it represents the intent of this testimony to illuminate the context in which conventional projections of personnel supply and demand should be interpreted.

As expressed in the 1982-83 and 1984-85 Maryland manpower surveys, certification practices and administrative policies in many locations make it possible for districts that cannot find teachers (and/or are working against fiscal constraints) to decrease the demand for personnel by reorganizing programs, regrouping pupils, exceeding student/teacher ratios, and placing more students in resource rooms and regular education -- sometimes without the instructional expertise and support necessary to their individual achievement. These same policies also make it possible for districts to increase the supply of personnel by assigning to special education those individuals who are neither prepared, qualified, nor certified to work with handicapped students. Such policies not only raise fundamental questions concerning the quality of education that handicapped students are receiving, but also obscure genuine needs for personnel in ways that can be exceedingly difficult to sort out.

B. Current Evidence on the DEMAND for Personnel

With acknowledgement that apparent needs for new personnel may not be the same as the real needs, it is also necessary to review recent evidence on the apparent needs for personnel to educate the handicapped.

Projections of Overall Teacher Shortages

The following statements from recent surveys and reports pertain to current and anticipated teacher shortages throughout education.

1983. The National Center for Educational Statistics (1984) reported that approximately 2,330,000 teachers were employed in the United States as of 1982-83. Of this number, 6 percent (or around 142,800 for the 1982-83 school census) leave the profession each year. Although public school enrollments have declined in the last decade, census figures show that the school-aged population will again begin to burgeon in the mid to late 1980's. Moreover, though the overall school enrollment did decline in the past decade, the number of students identified as handicapped increased. By the end of the 1980's, it is estimated that the demand for new teachers to fill all roles will be 200,000 per year. In the same year, the American Association of Colleges for Teacher Education (1983) reported that the overall supply of teachers produced annually was already 4 percent short of demand. The greatest shortages specified at that time were in mathematics, physics, vocational education, bilingual education, and special education. A 1983 Report on the American Teacher (Howey, Yarger, & Lebby, 1983) described, among other things, shortages of personnel, and cited factors that would influence future demands for educators: population trends, changing roles of women, regional migration, minority populations, immigration trends, global population growth, and technological developments.

1984. The report of a 1984 study by the Rand Corporation (Darling-Hammond, 1984) reviewed factors expected to contribute to impending teacher shortages, including: (a) declining enrollments of teacher trainees; (b) projections of increasing pupil enrollments every year through 1992; (c) the decline in the academic ability of teacher candidates; and (d) the propensity for high caliber individuals to leave the profession or never to enter it. The author suggested that, unless major changes occur, it will be necessary to hire and retain large numbers of marginally qualified people. Further, on August 22, 1984, Education Week cited a few already critical situations brought about by teacher shortages, as follows:

* Due to a shortage of 3,500 teachers, the New York City Board of Education voted in spring 1984 to abandon its requirement that all new teachers have at least six education credits on their transcripts. To circulate this change in policy, the School Board purchased ads in New York newspapers and sent out public service announcements on radio and television. Nonetheless, New York expected to start school with a shortage of several thousand teachers.

* In an effort to ease the teacher shortage in several teaching specialties in Alabama, the State Superintendent of Schools announced his intention to lower the passing scores on sections of the state's examinations for teacher certification.

* Arizona's colleges graduated only 1,200 education majors in the spring of 1984, but there were approximately 2,500 open teaching positions in the state as of the fall of the same year.

1985. In its report on Indicators of Education Status and Trends (National Center for Education Statistics, 1985), the U.S. Department of Education's statistical staff showed that, "beginning in the mid-1980's, the demand for additional teachers is projected to exceed the supply of new teacher graduates; elementary schools should provide two-thirds of this demand" (p. 29). Later in 1985, the National Center for Educational Statistics (1985) released The Condition of Education for the current year which stated, in part, that "the demand for additional teachers between 1990 and 1993 is expected to climb significantly, approaching or even exceeding 200,000 per year. . . . These demand projections are based on the assumptions that total enrollment will rise, teacher/pupil ratios will improve only slightly, and the turnover of teachers will remain constant at an estimated 6 percent" (p. 137). This report goes on to describe conditions that might change these projections, including greater numbers of teachers leaving the profession, and concludes that "the number of teachers per 1,000 pupils may also decrease if schools are unable to locate a sufficient number of qualified teachers to maintain existing ratios" (p. 137). The Condition of Education also discusses distribution of shortages across educational and geographic settings, stating that the incidence of shortages is currently greatest in the West and least in the Northeast, and that districts enrolling 10,000 or more students and schools in central cities are experiencing the impact of shortages more frequently than are smaller districts. "These patterns reflect trends in enrollment growth in the Sunbelt and population declines in the Northeast. They also may reflect the attitude that teaching in inner city schools is a less attractive choice than working in schools with fewer perceived obstacles to teaching. . . . One large urban district alone, Los Angeles, accounted for more than half the shortages reported in the West" (p. 138).

Special Education Shortages

While current and predicted shortages in the overall teaching force encompass needs for special educators, as well, other evidence can specify more closely the demand for personnel for education of the handicapped.

The Condition of Education report for 1985 (National Center for Education Statistics, 1985) states that, for 1983, "certain subject fields had higher vacancy rates than did others. Positions for bilingual special education teachers showed the greatest proportional shortages in the public schools. . . . Special education teachers of speech-impaired pupils were the next highest group reported in short supply in the public schools . . . (and) similar shortages extended to other special education fields, including teachers of severely emotionally disturbed students" (p. 138).

Several national studies have shown consistent shortages of personnel for education of the handicapped across the United States and its territories. For 1982-83, the most major shortages were reported to be occurring in learning disabilities; speech disorders; secondary education for the handicapped; vocational education for the handicapped; and in severe, sensory, and multiple handicaps. Across all the states, needs were demonstrated for all types of special education and related service personnel, and in 22 states, such shortages continued well into the school year (Schofer & Duncan, 1982; Smith-Davis, Burke, & Noel, 1984).

The following display shows needs for special education teachers in various specialty areas and for related service personnel for 1982-83 from yet another source (Division of Educational Services, 1985).

NUMBER OF SPECIAL EDUCATION TEACHERS EMPLOYED AND NEEDED FOR SCHOOL YEAR 82-83

Teachers	Employed	Needed
Learning Disabled	82,625	9,669
Speech Impaired	19,632	1,212
Mentally Retarded	61,452	3,484
Emotionally Disturbed	26,967	2,881
Hard of Hearing, Deaf	8,224	1,488
Multihandicapped	5,240	913
Orthopedically Impaired	4,383	376
Other Health Impaired	3,079	498
Visually Handicapped	3,275	335
Deaf-Blind	898	30
Noncategorical	25,305	800
All Conditions United States and Territories	241,079	21,638

SPECIAL EDUCATION PERSONNEL OTHER THAN TEACHERS EMPLOYED AND NEEDED, 1982-83

Personnel	Employed	Needed
School Social Workers	7,659	594
Occupational Therapists	2,382	488
Recreational Therapists	751	173
Physical Therapists	1,958	547
Teacher Aides	102,722	6,283
Physical Education Coordinators	3,815	909
Supervisors	11,607	1,072
Other Non-Instructional Staff	45,124	2,368
Psychologists	14,513	1,750
Diagnostic Staff	6,145	845
Speech Pathologists	20,152	2,306
Audiologists	794	184
Work/Study Coordinators	1,585	287
Vocational Education Teachers	5,478	770
All Staff United States and Territories	224,684	18,557

The University of Maryland manpower study for 1984-85 (Noel, Smith-Davis, & Burke, in press) shows continuing needs for all types of special education and related service personnel. Greatest demands are expressed as follows:

* 38 jurisdictions (states and territories) reported shortages of physical therapists.
* 37 jurisdictions reported shorgages of occupational therapists.
* 35 jurisdictions reported shortages of teachers of the emotionally disturbed.
* 34 jurisdictions reported shortages of speech and language personnel.
* 29 jurisdictions reported shortages of teachers for the severely handicapped and multiply handicapped, with three additional jurisdictions reporting shortages in the multiply handicapped area only.
* 21 jurisdictions reported shortages of personnel for early childhood education for the handicapped.

Seven states reported rural shortages in every personnel category, and ten reported rural shortages in some categories, most frequently in occupational therapy, physical therapy, and speech. Only Alaska and the District of Columbia reported no personnel shortages in any category of special education.

In many locations, shortages of personnel continue well into the school year. For example, in August 1985 as schools were opening, the Albuquerque Public School system was still short 100 special education teachers (Smith, 1985) and, after school had opened in 1985, the State of Illinois continued to report unfilled positions in various districts (Henderson, 1985).

It is also true that expansion of services creates new needs for personnel. In special education, the prime areas where program expansion is needed are preschool education for the handicapped and education for adolescents at the secondary level.

Early childhood special education. A combination of factors is stimulating expansion of services for handicapped infants and young children. The federal priority in this area has had a positive impact, and state-level initiatives are also occurring, sometimes as a result of federal preschool incentive grants and/or state incentive grants. A few jurisdictions have lowered the age of eligibility for services, and a few have new mandates for preschool programming. State-level initiatives are beginning to result in greater educational opportunities at the local level. Many unserved children remain to be identified in the preschool category. At the same time, many jurisdictions report great difficulty in finding qualified teachers for preschool programs; emergency certification is prevalent in this specialty (Noel, Smith-Davis, & Burke, in press).

Secondary programming. Secondary education for the handicapped continues to be viewed as the weakest link in the special education continuum. A major obstacle is the serious shortage of qualified people to provide instruction. It is reported that fewer new graduates are becoming available for secondary positions, and many teachers currently holding secondary special education positions are far from fully qualified. Some jurisdictions experience difficulty in finding persons who can be even temporarily certified (Noel, Smith-Davis, & Burke, in press).

Whereas a large proportion of currently served secondary students are placed in resource room instruction, many respondents to the University of Maryland studies believe that little individualization and differentiation is taking place in such settings. Rather, instruction is often oriented to basic skills remediation and tutorial instruction, with insufficient emphasis on vocational needs and post-school planning. These problems are doubtless related to the training and experience of the personnel involved. Moreover, the nature of the secondary school presents problems, in terms of reported difficulty in achieving change in middle schools and high schools and modifying curricula appropriately for handicapped adolescents. Finally, some respondents to the University of Maryland surveys believe that many members of the secondary handicapped population have not been identified because services are so sparse, and that the handicapped dropout rate is needlessly high because programs and personnel are inadequate.

Finally, the general problems associated with personnel shortages make the training and deployment of paraprofessionals more and more important in the education of handicapped children and youth. These individuals work with classroom teachers as instructional aides; assist occupational, physical, and speech therapists; serve on crisis intervention teams; and play substantial roles in transition programs and in preschool programs. The demand for their services has increased in the past decade and has yet to reach its peak. In 1974, approximately 27,000 paraprofessionals were working in special education while, in 1984, their numbers had reached 150,000. As services are stretched in ways indicated earler in this testimony, as personnel shortages become more acute, and as programs expand at the secondary and preschool levels, the already pressing need for qualified paraprofessionals will increase as well (National Resource Center for Paraprofessionals in Special Education, 1982; Heller & Pickett, 1981; Pickett, 1982).

Data-Gathering from the States

In 1985, the OSERS Special Education Program launched its own effort to gather data on education for the handicapped that could yield specifics concerning current and anticipated manpower needs. In the midst of what may become debilitating shortages of personnel, and with the concurrent need to come to grips with the complex set of variables involved, this is a laudable effort.

To gather data, the Special Education Program is requiring state departments of education to collect and report information in an annual data report on Part B of the Education of the Handicapped Act, as amended. The data being collected are these: (a) numbers of personnel employed in specific categories and roles; (b) additional personnel (FTE) needed according to number of vacancies; (c) number of additional personnel needed to fill positions occupied by persons not appropriately or adequately prepared or trained (not fully certified); (d) least restrictive environment information concerning placement of children and youth, by age and handicap, in regular classes, resource rooms, separate classes, separate facilities, private schools, public residential facilities, homebound and hospital settings; (e) funds expended -- federal, state, local funds for special education and related services; (f) need for improved services within a state or territory; (g) related services (a report of handicapped children and youth receiving related services as part of special education programs) (Cullar, 1985).

Although useful for what it does ask, the SEP state data-gathering instrument will not be useful for clearly establishing genuine needs for new personnel for education of the handicapped. There are several reason for this. First of all, the instrument does not appear to request information on teacher attrition, which is a particular problem in special education. Nor does the SEP instrument seek information on certification policies (existing in many states) that permit a person certified in one area of special education to be placed with students with virtually any type of handicap (so that a speech teacher, for example, becomes the instructor of learning disabled students). Nor does the data report form ask about case loads and class loads, nor about inappropriate multicategorical grouping of students. Further, because of variations that exist among states in how districts handle and are accountable for emergency certification and other types of waivers and exceptions, there is great doubt that the SEP data reports can give anything close to a reasonable estimation of some of the data that it does ask for.

Thus, it would appear that the SEP data-gathering effort is fairly typical of the conventional means for measuring need, as described earlier. In short, this instrument appears to demonstrate inherent problems that may interfere with the accuracy and effectiveness of data-gathering, namely: (a) a lack of timeliness (information on vacancies, for example, will fluctuate in relation to the time of year, with open positions filled eventually with non-certified personnel or other means, as necessary); (b) a lack of consideration for the multiple factors that underlie issues of supply and demand (in its omissions); (c) the propensity of survey methods and techniques to produce conflicting evidence that can be used to support opposing policies (its omissions, and the doubt that accurate information can actually be obtained on some of its items); and (d) the danger that reporting systems may actually obscure the true manpower situation (all of the above).

For all of these reasons, the results of the SEP data-gathering effort, although presumably useful for some purposes, will not be useful in making determinations concerning future directions of SEP's Division of Personnel Preparation.

C. Current Evidence on the SUPPLY of PERSONNEL

According to the Seventh Annual Report to Congress on the Implementation of the Education of the Handicapped Act (Division of Educational Servcies, SEP, 1985), states estimate that 262,717 special education teachers will be needed for the 1985-86 school year. "This is a decrease of 18,238 from the 280,000 that were estimated as needed for the 1984-85 school year" (p. 52). Although it is not clear how this 1985-86 estimate for teaching personnel was derived, it may be assumed that the data do not incorporate the multiple factors that influence manpower demand, as reviewed earlier in this testimony. As has been demonstrated, there is reason to believe that the demand for personnel is considerably greater than is indicated by the Seventh Annual Report to Congress, as there is also reason to be concerned with the current and future supply of new personnel for education of the handicapped, as follows.

Attrition

At the same time that it sets forth its estimate of decreased demand for teachers of handicapped students for 1985-86, the Seventh Annual Report to Congress cites an attrition rate "estimated at 6 percent for special education teachers" (p. 52). For various reasons, the actual attrition rate in special education is thought to be much higher. In 1983, for example, testimony before this same Subcommittee included the following statement: "It is estimated that the annual attrition rate in special education is 12 percent, as compared to 6 percent overall in education" (Jones, 1983). Other information suggests that attrition may be even more prevalent. In behavior disorders, for example, up to 53 percent of teachers leave within the first five years (Grosenick & Huntze, 1981) and, among teachers of the severely handicapped, burnout may account for attrition rates as high as 30 percent every three to four years (Smith-Davis, Burke, & Noel, 1984).

Although state education agencies have information on many aspects of personnel supply and demand, it is difficult for them to estimate how greatly personnel needs are affected by turnover. There is, however, concern about attrition in virtually every jurisdiction, and there are reports of attrition rates as high as 50 percent annually in less desirable locations (including inner city schools and remote areas). Apart from attrition specific to geographic and socioeconomic factors, general attrition rates as high as 20 percent across jurisdictions are reported (Smith-Davis, Burke, & Noel, 1984). As more and more jobs open up in the general labor market, such rates may be expected to continue.

Overall Preservice Enrollments

Overall, there is evidence that fewer students are entering higher education. Since 1983 and for the remainder of the 1980's and early 1990's, "higher education enrollment is projected to decrease somewhat as declines in the traditional college-age population reduce the pool of potential students; enrollment is expected to decrease by about 6 percent, as compared with the 1983 level (National Center on Education Statistics, 1985). The decline in enrollment of traditional college-aged students in the 18-24 age group is expected to be as high as 18 percent, but the overall reduction in college and university enrollments may be smaller "because moderate increases of older students are expected to compensate somewhat for the loss of younger students . . . (and) the expected increase in part-time students will offset to some extent the decrease in full-time enrollment" (National Center for Education Statistics, 1985, p. 78).

In 1977, there were approximately 200,000 students at various stages of higher education who were preparing to teach (National Center for Education

Statistics, 1983). By way of contrast, "in 1983, the annual supply of newly qualified teacher graduates . . . was an estimated 146,000. However, as a percent of bachelor's degree recipients, new teacher graduates dropped from 34 percent to 14 percent between 1970 and 1983. Should the smaller percentage remain fairly stable over the next ten years, the supply of newly qualified teachers will also remain fairly constant at only about 140,000 per year. At this level, the supply of new teacher graduates would begin to fall below the projected demand for additional teachers after 1984, measuring below 80 percent of demand by 1989. . . . Should increasing numbers of college students choose careers in occupations other than teaching because of better salaries and working conditions, then the shortages of new teacher graduates could become more severe" (National Center for Education Statistics, 1985, p. 137).

Special Education Preservice Enrollments

For the 1982-83 school year, 241,079 teachers were reportedly employed in programs for education of the handicapped under Public Law 94-142 (Division of Educational Services, SEP, 1985). Other figures from the OSERS Special Education Program in 1983 (Saettler, 1983) indicated that approximately 22,000 new graduates were expected to be produced for special education in 1983-84, but that the expected attrition among practitioners for that year was 25,000 (an estimate of somewhat more than 10 percent). Although these data predicted a personnel shortfall of 3,000 for the year in question, the final answers regarding supply and demand are not as simple as that. Among the higher education enrollees who were completing special education programs in 1983-84 (or in any year, including the current one), a portion consist of personnel who are already practicing teachers -- regular classroom teachers who have enrolled to become certified in special education and/or special education teachers who have returned for renewal of certification or for recertification, sometimes because of new state requirements or incentives. Although these enrollees are generally part-time students, they are usually included in counts of personnel enrolled in higher education special education preservice programs. Therefore, estimates of rising, falling, or stable preservice enrollments are generally expanded by the numbers of already practicing teachers who are included but who do not represent new personnel supplies.

Concerning declines in preservice enrollment (whatever its composition), in 1984, the American Association of Colleges for Teacher Education conducted an informal survey of the nation's largest teacher training institutions. In 13 of the 17 institutions, overall teacher education enrollments had recently increased in varying degrees. On the other hand, overall declining enrollments were reported in four. Further, four institutions (one with declining enrollments and three with increasing enrollments) reported drops in special education program enrollments. Declines ranged from one percent to fourteen percent. Although respondents could not explain the reasons for these downturns, they did predict serious shortages in special education if the trend is not reversed (American Association of Colleges for Teacher Education, 1984). In another 1984 survey, almost all departments of special education in colleges and universities had experienced recent decreases in enrollments, and, in a few, these declines had appeared to stabilize (Noel, 1984). Both private and public training institutions reported difficulty in attracting full-time special education graduate students and emphasized that the availability of stipends increased the quantity and quality of graduate enrollees.

In its 1984-85 national survey, the University of Maryland (Noel, Smith-Davis, & Burke, in press) found that only four states, one territory, and the District of Columbia stated that the supply of new graduates from their local colleges and universities were sufficient to meet demands for personnel in special education.

Preservice Enrollment vs Pupil Enrollment

Another perspective on the supply of new personnel can be gained by comparing trends in handicapped pupil enrollments with trends in preservice enrollments. The following projections are derived from states' and territories' responses on these two types of enrollments (Noel, Smith-Davis, & Burke, in press). These projections are simplistic in the sense that they assume that directions in pupil and preservice enrollments may be moving up or down at the same rate. Although that aspect of the data has not been determined, it is useful to consider the following dimensions of the supply question, along with all other evidence.

1. No change in the current status of personnel supply and demand might be inferred IF (N = 18 jurisdictions: states/territories):
    * Preservice enrollment is steady and pupil enrollment is steady: N = 13
    * Preservice enrollment is down and pupil enrollment is down: N = 4
    * Preservice enrollment is up and pupil enrollment is up: N = 1
2. A greater pool of personnel will be available IF (N = 4 jurisdictions):
    * Preservice enrollment is steady and pupil enrollment is down: N = 3
    * Preservice enrollment is up and pupil enrollment is steady: N = 0
    * Preservice enrollment is up and pupil enrollment is down: N = 1

3. Shortages of new personnel may be anticipated IF (N = 28 jurisdictions):

   * Preservice enrollment is down and pupil enrollment is steady:
   N = 6

   * Preservice enrollment is down and pupil enrollment is up:
   N = 12

   * Preservice enrollment is steady and pupil enrollment is up:
   N = 10

These data also make clear that preservice enrollment in special education programs in colleges and universities was already declining in 1984 in 22 states and territories.

Conclusions: Personnel Supply and Demand

The information that has been presented concerning the demand for and supply of personnel for education of the handicapped shows that:

1. Actual and widespread shortages are currently reported for a number of specialists in education for the handicapped, and needs for all personnel roles are reported in various areas of the country. In no sense does the supply exceed demand. In some areas, shortages continue well into the school year.

2. There are suggestions that shortages of personnel for special education may be among the major areas where demand exceeds supply in all of education, both now and in the coming decade.

3. In addition to various data reports that underscore current and predicted shortages of personnel for education of the handicapped, even greater (though hidden) needs are suggested by the "band-aid" approaches that many districts are forced to take in dealing with personnel shortages and fiscal constraints. These practices raise issues not only related to quantities of personnel but also to quality of service.

4. The matter of emergency certification of personnel is a critical problem throughout education, and most particularly in education for the handicapped. The widespread use of personnel who lack the proper training, experience, and qualifications demonstrates in yet another way the magnitude of the problems associated with shortages of personnel.

5. Attrition rates in education for the handicapped are higher than those for general education. In some high-stress positions, turnover is extremely high. This, coupled with acceleration in personnel leaving the profession for work in business and industry, attrition may be expected to continue to reduce the supply of available personnel.

6. Declines in preservice training enrollments have already become evident in a large number of states, and there is a suggestion that declines in special education preservice enrollments may be greater than declines in overall teacher education enrollments. Further, current estimates of numbers preparing to teach the handicapped are inflated by the numbers of practicing teachers who are included in such counts but who do not represent new manpower.

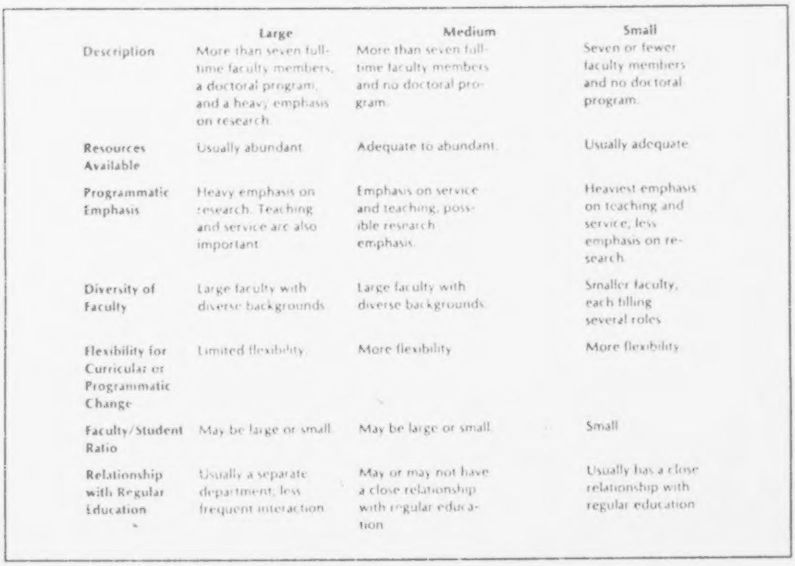
7. The current supply of personnel from colleges and universities does not match current demand. Fully 51 of 57 states and territories (and the District of Columbia) surveyed in 1984-85 reported that institutions of higher education within their boundaries were not able to supply sufficient special education personnel to meet the demand for personnel in local school districts.

2. PERSONNEL PREPARATION IN HIGHER EDUCATION

In order to develop policy decisions concerning personnel preparation for education of the handicapped, it is necessary to understand the characteristics, conditions, and contexts in which such preparation occurs. Accordingly, this portion of the testimony concerns such issues.

A. Overview

Among institutions of higher education in the United States, as of 1982 there were 1340 (70 percent) which included teacher education programs (Imig, 1982). A survey conducted in 1982-83 identified 698 higher education programs engaged in the preparation of personnel for education of the handicapped (Geiger, 1983). These programs may be classified as large, medium, or small, as shown on the following display (Wheatley, Schuster, & Schilit, 1983).



	Large	Medium	Small
Description	More than seven full-time faculty members, a doctoral program, and a heavy emphasis on research.	More than seven full-time faculty members and no doctoral program.	Seven or fewer faculty members and no doctoral program.
Resources Available	Usually abundant	Adequate to abundant.	Usually adequate
Programmatic Emphasis	Heavy emphasis on research. Teaching and service are also important	Emphasis on service and teaching, possible research emphasis.	Heaviest emphasis on teaching and service, less emphasis on research.
Diversity of Faculty	Large faculty with diverse backgrounds	Large faculty with diverse backgrounds.	Smaller faculty, each filling several roles
Flexibility for Curricular or Programmatic Change	Limited flexibility.	More flexibility	More flexibility
Faculty/Student Ratio	May be large or small.	May be large or small.	Small
Relationship with Regular Education	Usually a separate department; less frequent interaction	May or may not have a close relationship with regular education	Usually has a close relationship with regular education

The Geiger (1983) survey showed that the majority of special education preservice programs could be classified as small programs by virtue of faculties of seven or fewer members and/or because they do not prepare doctoral personnel. Many of these smaller programs are situated in areas where they are able to interact with rural school districts.

The larger programs tend to be located at state universities. Among these, the Geiger (1983) survey identified 61 that confer the doctorate in special education.

In addition to the institutions identified by Geiger (1983), there are a large number of two-year colleges and community colleges that prepare paraprofessionals and technicians to work in programs for education of the handicapped.

Through the programs offered by the various institutions, personnel are prepared to take various roles in special education via:

* Associate in Arts programs and other training structures offered by two-year institutions.
* Four-year baccalaureate programs.
* Master's programs.
* Five-year initial preparation programs culminating in the master's degree.
* Post-master's Educational Specialist training.
* Doctoral programs.

There is considerable endorsement of the concept that four-year programs can best provide general special education preparation but that specialties in education for the handicapped (such as education for the severely handicapped) should represent additional training at the master's level. This thinking also underlies the five-year training programs, and the need for six-year programs is also contemplated in order to ensure that trainees develop the depth of precision skills they need and have the breadth of practical experiences that are necessary.

Personnel preparation programming is heavily influenced by state certification standards and practices. Among the 57 states and territories, slightly more than half use primarily non-categorical, cross-categorical, or multi-categorical certification, while the remainder use primarily categorical certification, as defined below (Smith-Davis, Morsink, & Wheatley, 1984):

* Categorical: Teachers are certified to teach in a specific area of handicap (such as mental retardation).
* Non-categorical: Teachers are certified according to the level of severity of handicap (such as mild handicaps).
* Multi-categorical or cross-categorical: Teachers are certified to teach in more than one handicapping area. These two models can include certification or endorsement specifically for resource room personnel.

Even when non-categorical or multi-categorical certification is practiced, many states and territories have separate categorical certifications for specialists in the sensory handicaps, severe handicaps, and other low-incidence handicaps. In addition, certain personnel (such as speech therapists) may be certified apart from education, and occupational and physical therapists are always certified separately. Although some states specify either elementary or secondary certification, a large number certify personnel for kindergarten through grade 12, and this latter practice is seen as one of the causes of inadequate services and personnel at the secondary level for education of the handicapped.

Many personnel preparation programs in special education train teachers and other personnel for many states other than their own. State and local school districts must generally recruit far beyond their own state boundaries. A number of specialty preservice programs have traditionally provided personnel for entire regions, and some are national suppliers of personnel. Advanced graduate programs preparing administrators, researchers, and teacher educators are even less tied to a given state for recruitment of trainees and placement of graduates. Therefore, the demands and responsibilities placed on personnel preparation programs often exceed the state resources that are available to them.

B. Current Problems and Issues

To understand the current status of manpower production for special education, it is necessary to consider the broader economic and political factors surrounding higher education and special education in general. Even though a large number of states have enacted or are developing educational reform legislation or similar state board of education action, higher education has not yet benefitted financially from such advancements. Moreover, only seven states reported in 1984-85 that their education budgets were appreciably better in terms of special education than they had been in 1983-83 (Noel, Smith-Davis, & Burke, in press).

Also of concern are higher education's efforts to improve the quality of teacher education and the other pressures and demands for change that they are experiencing.

Financing of Teacher Education

The most overwhelming current problem in personnel preparation for education of the handicapped is funding. Most state-supported colleges and universities have been affected by budget decreases in recent years, and many of the smaller liberal arts colleges are having extreme difficulty in maintaining their special education teacher training programs (Spence, Noel, & Boyer-Shick, 1985). In some institutions, fiscal reductions have been manifested in reductions in force and cutbacks in programming. In more cases, decreasing revenues are preventing the expansion or initiation of needed programs in personnel preparation.

Whereas once the teacher education program had one of the largest, if not the largest enrollment, on a campus, the declines in enrollment, the fiscal incursions, and the costs involved most particularly in special education training programs are combining to create for teacher education a loss of status, not to mention resources. At some institutions, a recognizable special education preparation program is disappearing in overall reorganizations in teacher training that are occurring in response to losses of funds and students.

These problems become quite critical where education for the handicapped is involved. Enrollments in many specialty programs have traditionally been small (such as programs preparing personnel to serve the severely handicapped, severely emotionally disturbed, autistic, deaf, blind, multiply handicapped). Some university administrations are pondering the advisability of continuing such programs because of the limited return for (or loss by) the institution, and the prospect of initiating new programs under these circumstances is quite remote.

Cutbacks and reorganizations in higher education also tend to place additional pressures on faculties and staffs. One anticipated result of this pressure is diminished capacity among faculty to engage in research and development activities. There is already a limited capacity across teacher education institutions in general to engage in teaching-related research. As of 1980, "only about 25 percent of higher education teacher preparation programs (were) involved in the sequence of research, scholarly production, development, dissemination, and demonstration services that affect change in schools and education agencies (Clark & Guba, 1980).

Even before the reversals of the 1980's, teacher education programs in colleges and universities were "outrageously underfunded" (Peseau & Orr, 1980). As of the late 1970's such programs received an average of $927 per full-time-equivalent student, while the overall average for higher education was $2263 per full-time-equivalent student (Peseau & Orr, 1980).

Funding patterns pertaining to clinical experiences are also problemmatic. Clinical experiences (which represent practica, student teaching, internships, and other forms of actual practice with clients in educational or clinical settings) are funded at the same level as academic courses in most institutions of higher education, although these aspects of personnel preparation are much more expensive to provide, particularly in some specialities requisite to credentialing for education of the handicapped.

Preparation of leadership personnel. In relation to these problems, the preparation of leadership personnel for special education is extremely vulnerable. Since 1976, the field of special education has experienced exponential growth in a multitude of new directions, with an accompanying and ever-growing need for personnel. Experts are needed in all community and education agencies and must fill roles in social service agencies, in the creation of public policy, in community planning, and in law and medicine, and there is still a great need for leaders to fill the more traditional roles of researcher, teacher trainer, administrator, conceptualizer, and synthesizer. The expansion of knowledge in special education in the past five years alone has been almost overwhelming; new faculty members should continually become part of personnel preparation programs as one means of ensuring that training remains up-to-date and dynamic (Smith, 1985).

A significant problem surrounds the matter of attracting full-time graduate students. Among 514 schools of education surveyed in 1983, 523 included doctoral programs, and these 325 programs collectively produced only 199 Ph.D.'s in special education in 1981-82, as compared with 933 doctorates in educational administration, 599 in curriculum and instruction, and 509 in guidance and counseling (Heald, 1983), and there is reason to believe that the number of special education doctorates has dwindled since that year. Preliminary data being gathered by the Higher Education Consortium for Special Education (1985) indicate that the need for leadership personnel in special education will reach a critical level within a relatively short period of time, and the major issues appear to be the advancing age of many current faculty members who will be retiring in the next few years, coupled with the increasing difficulty in recruiting graduate students.

Part of this problem is the nature of the student. Doctoral students in special education differ from doctoral students in many other academic disciplines. Whereas doctoral students in other professions typically begin advanced study immediately after completing undergraduate and master's work, this is not the case in special education, nor should it be. The special education doctoral student must be an experienced practitioner prior to entering advanced study. For this reason, most of these students are older than their counterparts in other graduate programs and many have families. These mature and seasoned individuals are, in effect, taking unpaid sabbaticals in order to complete their doctoral work, and they are largely ineligible for guaranteed student loans and other forms of assistance that are available to younger students on campus. Therefore, the availability of stipends for leadership trainees is crucial, yet these resources are rapidly disappearing.

The University of Kentucky surveyed its full-time graduate students in special education over the past several years and found that none of them would have been able to be in school without stipends (most of which have come from federal grants for doctoral training) (Blackhurst, 1985). The same is true in doctoral programs across the country, which also produce the preponderance of research concerning education for the handicapped.

The second major issue is the funding of the leadership training programs themselves. In general, the financing of doctoral and post-doctoral programs in education for the handicapped is tenuous. These programs are, by their very nature, small. Enrollments in doctoral level courses are also small. The tuition that small enrollments generates does not begin to cover the costs of providing preparation for leadership personnel. These programs are very expensive, and most of them serve not only the needs of their state but also serve regional and national needs. Therefore, it is often difficult, if not impossible, to convince a state legislature that the needs of the region and nation deserve additional funding so that programs can be maintained.

Higher education has been preparing leadership personnel for special education for about three "professional generations." "Already, the field has lost most of its first generation of leaders to retirement or attrition, and many members of the second generation are . . . planning retirement within the next five to seven years. The third generation is beginning to assume leadership positions outside of special education (for example, graduate deanships, deanships of colleges of education, superintendents of public instruction, community agency directors and supervisors, provosts, and so on), and many experts in diverse specialty areas are leaving the field for other types of training, administrative, and supervisory posts. If the trend of special education's positive impact is to continue, the effort to train personnel to assume the leadership challenges of the 1990's must be re-concentrated" (Smith, 1985). As an example of the impact of two doctoral programs (Indiana University and Virginia Technological Institute and State University), numbers and current positions of their graduates for specific periods are displayed as follows.

LEADERSHIP TRAINING: 29 doctoral graduates; 23 educational specialist graduates

VIRGINIA TECH
1977-85
PRESENT STATE LOCATION AND
POSITION BY DEGREE

	Doctorate
FL 1	Gen. Director, Except Student Educ.
IA 1	Teacher, ED
GA 1	Asst. Prof. Special Ed.
KY 2	Asst. Dir. Special Ed. Coop Prog. Coord. RRC
MN 1	Director, Special Ed. Coop
NC 2	Director, Rural Preschool Prog. Director, Special Ed.
NJ 1	Asst. Prof, Special Ed.
NY 1	Director, Special Ed. BOCES
PR 1	Deputy Director, Navy Family Service
VA 14	Coor. Discipline Teacher, ED Director, Special Ed. Prin. & Supervisor Preschool Handicapped Asst. Prof. Special Ed. Supervisor Special Ed. Supervisor Special Ed. SEA Supervisor Asst. Prin. Middle School Coor. State Res. Facility Director, Student Services Asst. Director, Special Ed. Director Special Ed. School Psychologist
WI 1	Asst. Prof. Special Ed.
WV 3	Coor. Special Ed. RESA Educ. Coor. WV Dept. of Health

	CAGS (Specialist)
MD 2	School Psychologist Crisis Intervention Supv.
NC 1	Coor. Habilitation, Private Res. Facility
NV 1	Asst. Director, Group Home Contractor
SD 2	Private Business Unit Admin. Private Day Facility
VA 15	SEA Supervisor ED Teacher School Psychologist Elem. Prin. Supervisor LD Unit Admin. Private ED/LD Facility Teacher Coor. LD Director, Special Ed. Asst. Prof. Special Ed. Middle School Prin. ED Teacher Coor. Special Ed. Dept. Chair, Special Ed. Director Private ED Facility Unit Director, State Res. Facility
WV 2	Ed. Diagnostician School Psychologist

LEADERSHIP TRAINING: 26 doctoral graduates; 7 educational specialist graduates

INDIANA UNIVERSITY GRADS
1969-75
PRESENT STATE LOCATION AND
POSITION BY DEGREE

Doctorate	
CA 1	Director, Sheltered Wksp.
DE 2	Prin. Special School Prof. Guidance & Counseling
FL 1	Gen. Director, Excep. Student Ed.
IL 2	Bus. Mgr. LEA Elem. Asst. Prin.
IN 4	Prof. Special Ed. Unit Director State Res. Facil. Director, Inservice for Directors Director, UAF
KS 2	Asst. Supt. Spec. Ed. LEA Director, Special Ed.
KY 2	Supt. LEA Elem. Prin.
MI 1	Director, Special Ed. (on disability)
MO 2	Supt. State Res. Facility Asst. Supt. State Res. Facility
NC 1	Prof. Special Ed.
NE 1	Director, Diagnostic Resource Center
NV 1	Assoc. Prof. Special Ed.
SD 2	Prof. Special Ed. Admin. & EC Ed. Consultant, Rehab. Facility
TX 1	Director, Special Ed.
VA 1	Director Publications, AVA
WI 2	Director, Special Ed. Asst. Supt. Special Ed. & Related Services

Specialist	
Manitoba 1	Prin. Deaf School
DE 1	Retired from SEA
ID 1	Supt. LEA
IN 4	Director, Special Ed. Teacher, MR Private Business Homemaker

Voids in Personnel Preparation Programming

Even with the stimulus created by federal funding for personnel preparation in education for the handicapped, higher education programs preparing these personnel have not unduly proliferated. A 1983 survey of college and university programs engaged in special education training showed an average staff complement of only 5 per program (Geiger, 1983). Further, as of 1983-84, only 15 states reported programs or projects within their boundaries in all specialty areas involved in education for the handicapped; this is somewhat improved, as compared with the same survey in 1982-83, when 12 states reported a full complement of training programs (Smith-Davis, Burke, & Noel, 1984; Noel, Smith-Davis, & Burke, in press). The differences over three years represented combined losses of programs due to fiscal incursions and program reorganizations and overall gains, most of the latter due to federal funding of limited-term projects.

The fact that 15 states have a full complement of personnel preparation programs for education of the handicapped does not necessarily mean that these programs are furnishing sufficient graduates; in fact, the reverse is true in many states, as shown when the supply of new personnel was discussed. On the other hand, the fact that a program is missing from a state does not necessarily mean that its absence is creating a significant problem, since many institutions of higher education prepare personnel for regional consumers, rather than only state consumers. However, the fact remains that personnel preparation programming is most scarce in: visual handicaps, hearing handicaps, multiple handicaps, orthopedic handicaps and chronic illness and other health impairments, severe emotional disturbance, behavior disorders, and bilingual special education (Noel, Smith-Davis, & Burke, in press).

The Quality of Personnel Preparation

In recent years (and, in most cases, prior to the report of the National Commission on Education, 1983), 85 percent of colleges and universities offering preparation in teacher education have initiated efforts to improve the quality of their programs by updating the curriculum (National Center for Education Statistics, 1983), by lengthening the teacher education program to five years and/or by expanding the clinical and field experience components of programs (Kluender, 1984). Seventy-four percent of these colleges and universities had by 1983 increased admissions standards (National Center for Education Statistics, 1983), and more have done so in the past two years (Smith-Davis, 1984).

In some instances, higher standards for teacher trainee admission, retention and graduation have come about as a result of state requirements. As of 1984, 30 states had passed legislation or mandates that require the use of a test for admission to teacher training and/or for certification upon completion of training; in 12 other states, planning is in progress for similar changes (Sandefur, 1984).

Initiatives by personnel preparation in special education. Among the new strengths in preservice training programs in special education are: greater emphasis on trainee acquisition of competency objectives, as evidenced in the ability to effect change in learners; greater collaboration with interdisciplinary professions and parents; and improved field-based training with clinical supervision and the measurement of performance objectives (Smith-Davis, 1984).

Higher education programs in special education have been attempting relatively long-term processes of self-study and planned change in order to improve programs and make them more responsive to emerging needs and developments in public education. "One outcome of this exploration has been the establishment of five-year initial teacher education programs in special education by several state universities. Where the extended program has been undertaken, it has been established as a measure to improve the skills and qualifications of graduates in filling the multiple roles increasingly required of special education personnel in practice" (Smith-Davis, Morsink, & Wheatley, 1984). Another outcome has been more academic and practical attention to the precise competencies that effective teachers need. As of 1982, there were an estimated 393 competency-based teacher education programs in special education (National Association of State Directors of Special Education, 1982), whose instructional objectives, designs of self-paced learning modules, and criteria for evaluation all depend on identification of competencies needed by teachers.

For the past several years, teacher education has been the target of increasing criticism, which the profession has taken seriously and has largely regarded as a challenge for improvement. Other portions of this testimony will summarize areas of needed improvement in special education preservice preparation programs. First, however, it seems useful to highlight just a few outstanding and innovative efforts, most of which have been in progress for some years, and many of which have been sponsored by federal personnel preparation funds.

* In the past fifteen years, several national trends have created a new role for special educators -- that of providing instructional support for teachers serving handicapped students in regular education. These influential trends have been: (a) the provision of special education in less restrictive environments; (b) interdisciplinary requirements to provide service; (c) basic skills requirements for high school graduation; (d) accountability for student learning; and (e) the designation of master teachers as consultants for regular

education teachers (Fitzgerald, 1984). The increasing movement of handicapped students into regular education services is stimulating a great need for personnel prepared as consulting teachers in graduate programs. The University of Vermont has been the pioneer in this work, has created the model that is most often used in preparing consulting teachers, and is one of the higher education programs that produces graduates not only for its own state, but also for the nation. Other excellent personnel preparation programs in teacher consultation training are located at the University of Illinois in Champaign, the University of Toledo, Texas Tech University, the University of Pittsburgh, and an estimated 23 other universities in the United States. Of special interest is the University of Kansas/University of Kansas Medical Center's project that prepares occupational therapists and physical therapists to serve as consultants to classrooms for severely and multiply handicapped students. A related program at the University of Pittsburgh has engaged for a number of years in research and development that has resulted in coordinated instructional programming between regular and special education settings so that total learning environments can be created and adapted to each student's learning needs. This Adaptive Learning Environments Model is now being transposed into a preservice training model.

* The University of Rochester's Graduate School of Education and Medical School/Department of Pediatrics operate a joint program for the preparation of special education teachers. This interdisciplinary model brings together faculty from medicine and education, and places trainees in practica and internships both in the School of Medicine's Diagnostic Clinic for Developmental Disabilities and in school and community programs that serve handicapped children and adolescents. Elsewhere on the University of Rochester campus, a joint program with the National Technical Institute for the Deaf prepares graduate

students to become secondary teachers of deaf students in the public schools. As a measure to address trainee recruitment problems and teacher shortages, this program is arranging to recruit mature trainees from the potential pool of individuals who leave the military service after 20 years and have a second career ahead of them.

* The San Francisco State University program that prepares personnel to educate severely retarded individuals has conducted statewide training to improve the skills of employed practitioners. Another examplary program that prepares personnel in severe handicaps is located at the University of Wisconsin-Madison. Both of these sites furnish graduates to the nation.

* Arizona State University in Tempe trains personnel in corrections special education. Graduates are qualified to educate handicapped youth who are incarcerated. The University has also created a network of other corrections education preparation programs in various states.

* Minot State College in North Dakota is a small college which trains in several special education disciplines. The faculties of each discipline have developed team approaches to personnel preparation and client services. The college has a well established program in client services which evaluates individuals from infancy to old age who have a great variety of disabilities. One of its teams is considered to be among the most distinguished cleft palate teams in the United States, and its members include physicians as well as educators. Trainees in this interdisciplinary program participate fully in client assessment and team processes through two levels of structured practical experience.

* San Jose State University's Division of Special Education and Rehabilitation Services operates a voluntary faculty development program, through which faculty members work in pairs for mutual evaluation, which involves direct

observation, videotaping of instructional sessions for mutual critiques, and a clinical supervision model for faculty development.

Many other quality initiatives encompass the training of special educators, elementary and secondary educators, administrators, administrators, guidance personnel, and others across a college of education. For example:

* The University of South Florida has created an honors program in teacher education in order to attract and retain high-caliber trainees.

* Oregon State University and Western Oregon State College now have a Quality Assurance Warranty Program, which guarantees to provide further training to first-year teacher graduates whose principals may refer them for improvement in skills or knowledge. Essentially, the Oregon Warranty Model guarantees the quality of its graduates; it is being replicated in a number of other colleges and universities.

* The Teacher Induction Program at the University of Wisconsin-Whitewater is a planned program of assistance and support for beginning teachers by a team of professionals from the local school and the university. Similarly, Project PLUS at the University of Texas at Tyler provides supportive on-the-job training to first-year and second-year teachers from surrounding districts.

* Montana State University has traditionally been a leader in preparing educators for service in rural and remote areas, and its Center for Research in Rural Education provides a focus on how rurality influences the educational process.

Initiatives by professional associations and accreditation bodies. Professional associations, including the American Association of Colleges for Teacher Education, have stimulated reforms intended to improve the quality of preservice teacher education. The Teacher Education Division of the Council for Exceptional Children has completed a survey of its membership concerning the quality of personnel preparation and has established a professional committee which is developing statements of quality features for personnel preparation programs in special education. The Higher Education Consortium for Special Education (composed of department chairpersons from those higher education programs that prepare doctoral-level personnel) has taken similar steps to provide leadership and has produced a document on quality issues pertaining to doctoral training of special educators (Butler, Blackhurst, Hurley, & Whelan, 1983).

In addition, the Council for Exceptional Children has developed new standards for teacher education programs (Council for Exceptional Children, 1983) as part of a major effort that goes back to the organization's development of personnel preparation guidelines in the early 1970's. The new standards are intended as guidelines for evaluating the special education program within the higher education teacher education unit. Guidelines for accreditation of professional education programs in speech, language pathology, and audiology have been designed by the American Speech-Hearing-Language Association (Education Training Board, 1980), and still other standards and guidelines have been issued by organizations that are concerned with teacher preparation in other areas of education for the handicapped (Smith-Davis, Morsink, & Wheatley, 1984).

Recent developments in the accreditation of teacher education programs are also pertinent. The National Council for Accreditation of Teacher Education (NCATE) examines higher education teacher education programs for accreditation, through a lengthy process that involves review of extensive materials prepared by the institution and site visitation by experts in teacher education. In 1982, a new standard was added to this process. As of July 1982, every institution undergoing accreditation by NCATE must present evidence that it can meet the following new requirement under the curriculum standard:

> 2.1.2. The institution provides its graduates with the knowledge and skills necessary to provide an appropriate education for exceptional learners.

This standard, which pertains to preparing all personnel to integrate education for handicapped and gifted students into instruction, is applied to general education preparation programs, rather than to special education programs, and a parallel standard has subsequently become effective for graduate programs in teacher education.

State education agency initiatives. Many state departments of education experience conflict in their dual efforts to work with issues of quality and quantity. For consumers, any situation that reduces the supply of personnel leads to fewer choices among candidates, and any situation that increases the supply of personnel makes it more possible to raise selection criteria (Smith-Davis, Morsink, & Wheatley, 1984). Under conditions of personnel shortages, consumer selectivity becomes limited or non-existent, and state education agencies become concerned about the prospect of bringing marginally qualified people into special education.

A growing number of states have instituted or are planning to institute written and/or performance tests as a prerequisite to teacher certification. Teacher testing can result in employment of better qualified personnel and in development of measures to improve those who are less well qualified. At the same time, teacher testing is apparently further limiting the numbers of available personnel. Further, the value of teacher testing is in question when, as demonstrated earlier, state officials find that they must lower test-score criteria in order to ensure that the testing does not interfere with the immediate supply of scarce personnel. This is but another example of the conflict that occurs as to quality goals when quantities of personnel are not sufficient.

Obviously, education needs some surplus of manpower, simply in order that it can be selective and also in order to stimulate teachers and teacher trainees to feel competitive about developing and maintaining their state-of-the-art skills. Meanwhile, all states do operate programs of inservice education for special educators for the purpose of upgrading their knowledge and skills, as well as to retrain under-qualified personnel who are currently functioning in special education roles.

In addition, states are also responsible for the Comprehensive System of Personnel Development requirements under Public Law 94-142. In some cases, participatory planning, manpower data assessments, the creation of information and dissemination systems, and overall coordination of all personnel preparation and development activities have opened lines of communication and brought various interests together in cooperation. The University of Missouri-Columbia Cooperative Manpower Planning Project for Special Education has for a number of years provided assistance and stimulation for such state activities. Its own studies (Schofer & McGough, 1976; Schofer & Duncan, 1978, 1980, 1982, 1984) and the experience of personnel in state education agencies show, however, that implementation of this most essential requirement of the Act is quite uneven across the states and territories, and that much more federal understanding, emphasis, and cooperation should be directed to the Comprehensive System of Personnel Development if state and national goals in personnel preparation for education of the handicapped are to be managed and achieved.

Needs for Improvement

Professionals involved in the preparation of special educators are aware of many needs for improving programming and performance. Among the concerns currently acknowledged and being addressed are; (a) admission and retention of high caliber trainees; (b) development programs to enable faculty members to remain current with new research and development outcomes, new technologies, and other state-of-the-art information; (c) curriculum expansion and improvement; (d) increased management efficiency; (e) expanded mentorship of trainees and individualization of instruction and experience; (f) greater depth and breadth of trainees' practical experiences; (g) greater emphasis on research and scholarship; (h) more precise program evaluation and graduate follow-up (Smith-Davis, Morsink, & Wheatley, 1984).

In addition, teacher education also has the benefit of critiques from its consumers -- state and local education agencies. The following critical comments were consolidated on the basis of a national survey of state consumers (Smith-Davis, Noel, & Burke, 1984; Noel, Smith-Davis, & Burke, in press);

1. Processes, communication and the IEP. The most repeated concern about preservice preparation voiced by consumers centered on a set of related issues that more or less cluster around the Individualized Education Program. Where deficiencies exist, a central problem cited is lack of graduates' skills in the group processes necessary in the development and implementation of the IEP, specifically skills in interdisciplinary teamwork and in integrating multidisciplinary information into educational planning. Associated weaknesses are reported in knowledge of legal and procedural matters and skills in meaningful parent involvement.

2. Practical experience. New teachers are sometimes found to lack practical experience and to need further supervision and assistance in dealing with handicapped children, as well as in planning and organizing the classroom. The most severe criticism was leveled at graduate programs which grant credentials without hands-on experience in practical settings. These usually involve the training of practicing teachers returning to school of certification in a new area.

3. Precision with low-incidence populations. There is some concern that

people trained to serve severely retarded, multiply handicapped, severely emotionally disturbed, and sensorially handicapped pupils need broader and more precise skills than they may receive in some preservice preparation programs. This criticism is not directed toward those programs that specialize in preparing personnel for these roles, but is, rather, addressed to those programs whose cross-categorical or non-categorical nature makes them, of necessity, more generic than specialized. Such programs generally have a "track" intended as preparation for working with children who are severely handicapped. Thus, graduates may come out of a program in mental retardation, for instance, with good skills for teaching mildly to moderately retarded students, but weaker skills in severe retardation, which they will nonetheless be certified to teach in many states, and for which they will be in demand.

In some jurisdictions, certification requirements do not delineate mild, moderate, and severe handicaps. Conseqently, higher education is responding to certification regulations in the generic approach to preparing personnel. In this sense, the concern expressed is not so much faulty training programs but a certification system that is potentially structurally unsound.

4. Secondary-level preparation. There is concern that teachers graduating from programs that emphasize the elementary-school level, rather than the adolescent level, are not equipped to deal properly with secondary students. This is also a certification problem, in that many states certify teachers for K-12, whether or not they have had any particular preparation specific to the middle school or high school. There are relatively few personnel preparation programs that specialize at the secondary or vocational level in education for the handicapped, and this is a particular area in which widespread program expansion and extension is indicated.

Although the foregoing represent the most consistent criticisms of special education personnel preparation programs, respondents had other isolated and assorted recommendations. At the same time, nearly all state education agency consumers stated that personnel preparation programming had improved in very visible ways in the past decade.

Quality Issues: The Quandary

In their endeavors to improve the quality of their teacher training efforts, institutions of higher education are often stymied by the fiscal cutbacks summarized earlier. The exemplary programs that have been listed have generally been built gradually and at great expense, and opportunities to develop new programs and expand into areas of pressing local needs have become quite limited indeed. Further, improvements and expansion of trainee practical experience is also costly in terms of money, time, and faculty manpower, at a time when all of these resources have been diminished.

Higher education must also deal with declines in teacher trainee enrollments at the same time that it endeavors to raise its admission standards, the quality of its programs and its graduation criteria.

> Under the prevailing conditions, higher education's potentially greater selectivity in admission, retention, and graduation stands to further limit the available personnel who are and will be needed and thereby limit the selectivity of employers. If we desire not only to have enough teachers but also to have good ones, higher education cannot be held exclusively accountable for both goals. Colleges and universities alone cannot guarantee a teacher for every vacant position in every school everywhere, as long as other factors

> create shortages of both trainees and teachers. What colleges and universities can and should guarantee is that every special education graduate is indeed an accomplished professional. What states, districts, and national policy makers should guarantee are the incentives and conditions that will make education an attractive, promising, and respectable profession. Until issues of quality can be disentangled from problems of quantity, the overall excellence of teacher education and its graduates will be impeded, and the tide of mediocrity in the public schools will continue to rise. (Smith-Davis, 1984)

In addition to quality improvements, teacher education is also striving to incorporate new technologies into its programming and into the skills of its graduates. A significant impact on the lives of the handicapped is resulting from the miniaturization of electronic components and the declining cost of microprocessors; even more important are applications of guidance and mobility aids, communication aids, and other learning devices which offer particular potentials for the education and integration of more severely handicapped individuals. Professional preparation programs have an obligation to train students in technological literacy, not simply in microcomputer programming. Some higher education programs, notably the University of Kentucky, the University of Pennsylvania, and the University of Alabama, are incorporating computer and other technologies into their campus and outreach programs. Many states are using instructional television for preservice and inservice training, and the National University Telecommunications Network is based at a set of universities across the country. The use of telephone hookups with interactive features, such as that developed for special education training at Purdue University, has also been effective in providing teacher education in areas with small population centers that are remote from metropolitan areas (Cartwright, 1984).

Beyond these efforts in quality improvement and efforts to integrate the mushrooming technological revolution, colleges and universities are also being asked to respond to rapidly changing federal priorities, as well as to emerging needs in their service areas. As all of the literature on planned change and organizational development has amply demonstrated, however, genuine, permanent change and improvement take a great deal of planfulness and time -- certainly more than three or four years. It is also true that higher education systems do not change directions quickly. As a state official from Missouri expressed it in the University of Maryland's 1982-83 manpower study (Smith-Davis, Burke, & Noel, 1984):

> Problems are inherent in the system. . . . Universities cannot identify the new areas and competencies, obtain different personnel, or change teaching practices without an elaborate long-term planning process that may take years. By the time they make adjustments and enter a four-year cycle, educators are demanding additional change, and the higher education program may no longer be relevant. And so the laborious cycle is repeated. . . . Today they are suffering economic hardships; higher education is not receiving adequate funding for education in general, much less to institute changes in response to certification changes and other mandates. There is a lack of preparation time and lead time to plan change, and there is a general lack of understanding of the structures and cycles of university programs.

> Lack of quick response time, combined with the difficulty small colleges and universities have in obtaining and retaining qualified teaching staff; . . . and the lack of programs to train personnel for low-incidence handicapped populations -- all of these further exacerbate the problem.
>
> In our state, the changes that were required to be in place in local schools in October 1977 did not allow universities a four-year cycle in lead time. Informing higher education of these changes was a slow process. When they were completing the first four-year cycle (four year program for one graduating generation of students) of the revised program and gearing up to address the quality of their training, already there was talk of changing the regulations for Public Law 94-142. Moreover, certification requirements have changed, and the relevance of course content is being questioned. Teacher educators feel that they are on quicksand. (p. 173)

A final issue here is the proverbial question as to whether higher education should lead in the educational enterprise, or whether it should be a follower. Clearly, higher education does supply leadership, but its impact could be vastly greater than is currently the case, if its personnel and other resources could be liberated to exert this leadership. In recent years, ever greater emphasis has been placed on releasing the creativity of individuals, groups, and organizations as requisites to coping adaptively with fast-moving change in the conditions of modern living. To the extent that teacher education must be preoccupied with efforts to try to do more with less, to stretch its dwindling faculty, programmatic, and fiscal resources in more and more directions -- to that extent, teacher education is severely limited in capitalizing on its creativity and resourcefulness in helping to solve educational problems.

Genuine change is a process, not an event. It can be viewed as a "linkage between theory and practice, between knowledge and action" (Bennis, 1969, p. 65), involving "intrasystem relationships among basic researchers, applied researchers, practitioners, and consumers in an evolved and evolving organization for knowledge utilization" (Chin & Benne, 1969, p. 50). This is the kind of mutual relationship that could lead to change that matters because it is continuous and lasting. However, as long as teacher education (and special education at other levels) has its back to the wall with regard to human and fiscal resources, the prospect of widespread, continuing, and fundamental improvement becomes moot.

Conclusions: Personnel Preparation Programming

The major concerns and features pertinent to personnel preparation in special education may be summarized as follows:

1. Personnel preparation programs have been negatively affected by budget cutbacks that have, in turn, led to program cutbacks, reductions in force, and diminishing resources in some institutions of higher education, and to inability to expand programs or initiate needed programs in most institutions of higher education.

2. Some personnal preparation programs in special education, including most particularly the doctoral programs, provide personnel to meet demand far beyond their state lines. It is difficult for such institutions to convince state legislatures to allocate additional funds for activities whose benefits

not confined to the state's boundaries.

3. Doctoral programs in special education are in a most precarious situation, and the need for leadership personnel is expected to reach a critical point in the near future.

4. Diminishing enrollments are already being experienced by approximately half of teacher education programs in special education, and the decline is expected to continue in the near term. Teacher testing and greater selectivity in admission, retention, and graduation standards are all likely to combine with diminishing enrollments to reduce the supply of personnel in the future.

5. A number of efforts are being made to improve the quality of teacher education in special education, by universities and colleges, by professional associations, and by state education agencies.

6. In terms of coordination, needs assessment, participatory and interagency planning, a great deal more emphasis should be placed on the Comprehensive System of Personnel Development, particularly at the federal level.

7. Quality initiatives being attempted in higher education include self-study, curricular improvements, more extended and substantial clinical and field experiences, in addition to upgraded admission and graduation standards. There are indeed exemplary programs and practices within the real of personnel preparation in special education.

8. In the struggle for quality improvement, higher education is impeded by diminishing resources and program reductions that have placed additional stress on faculties. On some campuses, such programs have been fighting for survival.

9. Genuine change is a time-consuming process, yet higher education programs are continuously asked to respond to certification changes, priority changes, changes in personnel needs, and other emerging issues. The process of planned

change is made difficult by fluctuating demands and diminishing support.

10. Higher education has the expertise, creativity, and resourcefulness to exert meaningful leadership in helping to solve educational problems, if it can be liberated from survival problems that currently interfere with the progress in research, development, and intra-system relationships that were originally stimulated by Public Law 94-142.

3. THE EHA DISCRETIONARY PROGRAM FOR PERSONNEL PREPARATION

The Part D discretionary program is administered by the Division of Personnel Preparation, Special Education Programs, Office of Special Education and Rehabilitative Services, U.S. Department of Education. The Part D authority was created by the enactment in 1966 of Public Law 89-570, which amended Public Law 89-10, the Elementary and Secondary Education Act of 1965, and also created the Bureau of Education for the Handicapped within the U.S. Office of Education. The 1967 amendments (Public Law 90-247) lent strength to the Bureau's programs in manpower development, research, instructional media, and direct services for children in the public schools and also made possible grants or contracts for the development of programs to recruit personnel into special education and related educational services. The amendments also included grant awards for development and distribution of information about special education programs to parents and teachers. Early in the 1970's, Public Law 91-230 created the Education of the Handicapped Act, which constituted a single statute authorizing programs within the U.S. Office of Education to meet the special education needs of handicapped children. Public Law 91-230 broadened the authority of previous federal programs and included grant awards to assist institutions of higher education and other non-profit agencies in training personnel for education of the handicapped. The Education Amendments of 1974 (Public Law 93-380) expanded the authorized level for education of the handicapped from $100 million to $600 million, legislated the right of handicapped children to an education, and required each state education agency to set the goal of providing full educational opportunities for all handicapped children, along with comprehensive objectives for meeting that goal (Holland & Noel, 1985).

In November 1975, Public Law 94-142 (the Education of All Handicapped Children Act of 1975) became law. In incorporating and expanding the provisions of previous legislation, the Act's purpose was to ensure a free, appropriate public education for all handicapped children between the ages of 3 and 21 by 1980. States were given the responsibility of developing plans, providing personnel, and carrying out procedures to meet the goals of Public Law 94-142. Although Public Law 94-142 did not change Part D, its Comprehensive System of Personnel Development provisions were intended to influence relationships among state education agencies, local education agencies, institutions of higher education, and others significant in teacher preparation and development (Burke, 1976). This provision requires that states provide needs-based training for both special educators and regular educators to ensure that teachers of the handicapped are appropriately and adequately prepared (Holland & Noel, 1985).

In 1983, the U.S. Congress revised and reauthorized the discretionary programs under the EHA by the passage of Public Law 98-199 (the Education of the Handicapped Amendments of 1983). These amendments re-emphasized resources for the preparation of special education personnel and added the specification that grant projects awarded to colleges and universities meet recognized state and professional standards (Holland & Noel, 1985). In amending Part D, the House Committee on Education and Labor made the following statement:

> The Committee recognizes that perhaps the most critical element in providing effective services to handicapped children is well prepared special education personnel. Without sufficient numbers of qualified personnel, the nation will always be a step away from the goal of Public Law 94-142, a free appropriate public education for all handicapped children. The Committee recognizes personnel shortages to be a primary problem in many parts of the country. (U.S. House of Representatives, Report No. 98-410, p. 30)

As Congress again considers reauthorization of Part D, conditions in special education underscore its importance and value in the education of handicapped children and youth, which depends on an adequate supply of well qualified teachers and related personnel. The pivotal role of Part D has been demonstrated in stimulating teacher education in special education for nearly two decades, in causing the development of training models to address new populations of handicapped students who became eligible for public education with the passage of Public Law 94-142, and in supporting the production of thousands upon thousands of teachers and other professionals for education of the handicapped.

A. Administration of Part D

Program Assistance Grants

The earliest personnel preparation programs of the (then) Bureau of Education for the Handicapped focused on institutional support grants, variable fellowships and traineeships, and institutional incentive grants, all of which led to gradual changes in personnel production and support patterns. In the early 1970's, there was a move away from student support and toward program support through Program Assistance Grants, which included variable levels of student support. With this change, the administration of Part D was able to specify priority areas for the disbursement of funds. For example, FY 1972 priorities featured: stimulation of rural education programming, early childhood education, career education for the handicapped, and stimulation of programming in predominantly Black colleges.

With the passage of Public Law 94-142 and the dramatically increased demands for manpower to implement it, the Part D priorities emphasized the preparation of personnel for the education of students who had been previously underved or underserved, specifically severely handicapped students and preschool handicapped children. In addition to these priority areas, funds were targeted on several types of personnel roles, including paraprofessionals and vocational and career education teachers, all of which reflected the kinds of expansion needed at the time (Holland & Noel, 1985).

Through the 1970's, following the enactment of Public Law 94-142, the priorities for Program Assistance Grants reflected the larger picture of special education as the intent of the Act began to take shape, and the direction of fiscal allocations responded to the major needs in the field.

The Program Assistance Grants have provided special education with more stable support for the preparation of personnel and have strategically strengthened special education training programs; in many cases, they resulted in the creation of departments or autonomous program areas in colleges and universities where none had existed before. Among many other achievements, the Program Assistance Grant program has supported the development and multiplication of non-categorical resource room teacher training programs; teacher consultant training models; generic training programs in mildly, moderately, and severely handicapped areas; and diagnostic-prescriptive teacher training programs. Their impact on the production of personnel has also been great. Fiscal 1978 training funds, for example, in the amount of $45,375,000 supported 715 projects at 415 institutions of higher education and other agencies. Of the $24,393,000 that was allocated for preservice training of new personnel in 1978, training was provided for 7,022 trainees at a rate of approximately $3,400 per student.

Inservice and Dean's Grants

Between 1975 and 1976, the federal allocation for inservice training of regular educators and special educators doubled, in anticipation of the massive changes emerging with Public Law 94-142 at the local level. The emphasis on inservice training continued until 1981 when fully 34 percent of the personnel preparation funds under Part D were invested in this direction. In 1979, the Bureau of Education for the Handicapped issued a contract for the evaluation of its massive effort in regular education inservice training, much of which had been invested in local school district projects, and which had supported training for nearly 475,000 regular education personnel between 1977 and 1982. The results of the evaluation were positive in many respects. Although training successes were generally broad, the training was rated by teachers and administrators as more useful than other inservice training had been, and it was also considered more comprehensive and better focused than previous efforts had been. The regular education inservice projects were also regarded as useful to local districts in helping them better organize their overall staff development efforts, and many of the projects used a trainer-of-trainer model which had a multiplier effect. On the other hand, fewer than 3 percent of the regular education inservice projects attempted to measure change in student performance as a result of training, and only two projects attempted to measure costs of inservice and apply cost-effectiveness measures to models and outcomes (Burrello, Byers, & Cline, 1981). Further:

> . . . the effects were generally short-lived, as projects frequently lacked major local education agency support or commitment for continuation. More significant was the fact that, even at peak funding, the regular education inservice grants were touching only a small percentage of regular educators. Thus, in FY 1983 . . . (Part D) funding priorities (were) shifted . . . to support preservice training of personnel to work with handicapped students. Consequently, the regular eduation inservice program, as it had operated from 1977 to 1982, was terminated. Contributing to the decision to terminate the program was the growing consensus among federal policy makers that, given funding limitations, the federal government could not possibly have a significant impact on the inservice education needs of regular educators across approximately 14,000 local education agencies in the United States. (Holland & Noel, 1985, p. 45)

The Dean's Grant Program was initiated in 1975 and was intended to support the preparation of regular educators at the preservice level in the principles and practices of education for the handicapped. These grants were awarded to colleges of education for the purpose of increasing all teacher educators' awareness of Public Law 94-142 and changes necessary in public schools and training institutions, and for the purpose of bringing about curricular changes in overall teacher education programs. Other goals involved opening communication between regular education and special education faculties and encouraging their cooperation in the programmatic reorganization of regular education preservice training (Holland & Noel, 1985).

Between 1975 and 1981, the allocation for Dean's grants increased from $1,400,000 in 1975, to $6,187,000 in 1981. In that seven-year period, 656 Dean's Grant projects were funded. By 1982, approximately 260 colleges and universities had been recipients for periods ranging from one to seven years (Holland & Noel, 1985).

In 1983, the remnants of inservice for special educators and preservice preparation for regular educators were folded into the category of Special Projects. As of July 1985, the Secretary of Education proposed to establish a new Part D priority for the inservice training of regular educators, this time limiting applicants exclusively to state education agencies. The comment period ended in August, and the outcome of this proposal is not yet known as of early October, 1985.

Special Projects

The original intent of the Special Projects was to enable the design of personnel preparation programs that, upon implementation and evaluation, might be more effective and efficient than current operational programs. Equally important, the Special Projects have identified major problems relevant to the preparation of personnel for education of the handicapped and have developed procedures for solving such problems in a universal sense. These projects often been of national importance, propelling programs and the profession of teacher education toward advancements in education for the handicapped. Through the Special Projects, the initial and formative efforts in personnel preparation for early education of the handicapped, the education of the severely handicapped, and preparation of resource teachers were instigated. Similar benefits have accrued from Special Projects that have orchestrated the national effort to identify and multiply best practices in personnel preparation, that developed and provided evaluation training to higher education programs, that supported cooperative manpower planning programs between state education agencies and universities, and have had other far-reaching effects that have tended to improve the quality and replicability of all of the projects funded under Part D.

Parent Training

The training of parents of handicapped children in their rights and responsibilities under Public Law 94-142 emerged in the 1970's as a pressing need. Parent training has helped in the identification of handicapped children and youth who are eligible for services, because it has increased parent awareness of educational opportunities. Another goal is to create partnerships between parents and educational personnel in terms of the development of the Individualized Education Program and in behalf of the child's instruction and development in school and at home. At one time, parent training was part of a priority that also included the training of volunteers and paraprofessionals for the classroom. Public Law 98-199 authorized a set-aside of 10 percent of the Part D appropriation specifically for projects operated by and for parents of handicapped children and youth.

Funding Levels

Appropriations for Part D over the past several years are as follows:

* 1978	$ 45,375,000	
* 1979	55,375,000	
* 1980	55,375,000	
* 1981	58,000,000	revised to 43,500,000 (recision)
* 1982	49,300,000	
* 1983	49,300,000	
* 1984	55,540,000	
* 1985	61,000,000	
* 1986	(50,000,000)	President's budget; final appropriation not yet known)

It is also useful to examine decreases in allocations for new Part D projects over the past three fiscal years, as follows:

For the preparation of SPECIAL EDUCATORS

FY 1983: $ 11.1 million
FY 1984: 8.2 million
FY 1985: 8 million

For the preparation of LEADERSHIP PERSONNEL

FY 1983: 3.7 million
FY 1984: 3.3 million
FY 1985: .9 million

For SPECIAL PROJECTS

FY 1983: 3.1 million
FY 1984: 1.7 million
FY 1985: .9 million

These decreases in special education preparation, leadership preparation and special projects occurred during a period when total appropriations increased from $49.3 million in fiscal 1983 to $61 million in fiscal 1985. In percentages, the total appropriations were increased by nearly 25 percent, while the allocations in these essential priorities were decreased. The net decrease in preparation of special educators between 1983 and 1985 was 23 percent; the decrease in preparation of leadership personnel was 75 percent; and the decrease in special projects was 71 percent.

Although the appropriation for fiscal 1986 is not known as of early October 1985, the Office of Special Education Programs/OSERS issued, in summer 1985, the following priorities and funding designations, based on the President's budget. These represent all of the currently known funding priorities, with the exception of the transition priority which has not been announced for competition for fiscal 1986. Of a total of $13,250,000 currently available for new grant awards, the competitions are specified as follows:

* Preparation of special educators	$ 3,000,000
* Preparation of leadership personnel	1,000,000
* Preparation of related services personnel	1,000,000
* Preparation of personnel for newborn/infant handicapped	1,000,000
* Rural personnel preparation	1,000,000
* Minority personnel preparation	1,000,000
* Parent organization projects	3,250,000
* State education agency programs	1,000,000
* Special projects	1,000,000

These scattered amounts of money do not go very far. For the current year, for example, more than 150 Special Project applications were received, but only eight could be funded. Currently, it is understood that, across all competitions, the Division of Preparation receives three times as many applications as it can fund.

Quality Initiatives and Collaboration with the Field

The history of the OSEP Division of Personnel Preparation shows concern with the quality of projects it has sponsored, as well as concern for the quality of personnel preparation for education of the handicapped, in general. In addresses before regional meetings of grantees, and in publications concerning the grant program, the (then) Division Director repeatedly stated that "we must be concerned with quality and cost-effectiveness, as evidenced by program evaluation data that prove our programs work and thus merit funding" (Harvey, 1977, p. 6; 1978, p. 6).

In 1982, the staff of the Division of Personnel Preparation began work on a very comprehensive plan to improve the quality of personnel preparation, which was intended as a multi-dimensional program for promoting the quality of preservice personnel preparation. In July 1982, the Division had outlined its extensive plan, which included these statements of its direction with regard to the quality initiative (Division of Personnel Preparation, 1982):

1. The Division of Personnel Preparation/SEP will undertake a proactive leadership role to advocate efforts to improve the quality of training programs in special education and related services.
2. The Division of Personnel Preparation/SEP will develop, with the field, a long-range plan to improve the quality of training programs.
3. The Division of Personnel Preparation/SEP will establish, with the field, a system to identify and develop promising practices instituted by grantees and others.

4. The Division of Personnel Preparation/SEP, with the field, will aggressively advocate the adoption and integration of promising practices.
5. The Division of Personnel Preparation, with the field, will increase the quantity of quality personnel needed to serve handicapped children and youth.

In making these goals known to professionals in personnel preparation, the (then) Division Director received a very receptive response, and the field was both in need of this leadership and collaboration and very much ready to participate with the Division of Personnel Preparation in the agenda that had been carefully outlined. By mid-1983, however, this initiative apparently ended before it began; no further activity has been evidenced at the federal level.

Traditionally, it was also a practice of the Division of Personnel Preparation to seek and use information and recommendations from the field in determining needs and priority areas, and in developing programs of planned change designed to achieve goals in personnel preparation. In the 1970's, regional meetings of personnel preparation professionals were convened so that they might interact with Division of Preparation professionals, and the door was open in many other ways, as well.

In a 1978 publication on the Division of Personnel Preparation's grant program, its Director and Branch Chiefs prepared a statement called "Partnerships for Change," which stated, in part (Harvey, Saettler, & Ackerman, 1978):

> Participate in establishing priorities. The matter of priorities is one area in which federal concerns sometimes appear to differ from your concerns. Federal funding priorities are based on significant needs for training, determined by Public Law 94-142 and on needs

> that arise in the field. These priorities are identified in a manner that is quite painstaking. Note the following sources of information for determining priorities, and ask yourself how your voice may be heard through them. (A list of ways to communicate on priorities was included with this paragraph) (p. 81)

The same statement concluded with the following paragraph by the Division Director and Branch Chiefs:

> The potential for change resides in all individuals, and change can be renewal. Although the requirements of Public Law 94-142 may, in some quarters, represent an onus, they can also be seen as a challenging set of possibilities. There is care throughout the nation about doing the right things for children. We want to help with this, and we want to do so with a sense of partnership with the people who are really carrying out these changes -- you. If you cannot see us as part of you and yourselves as part of us, we will not be able to accomplish what we are setting out to do. (p. 82)

These attitudes of leadership and collaboration are much to be desired on the part of a federal grant program that has the power to shape and influence education for the handicapped to the extent that the Division of Personnel Preparation does.

4. CONSIDERATIONS FOR THE REAUTHORIZATION

The intention of this testimony has been to present a detailed picture of the current and predicted supply of and demand for personnel for education of the handicapped, as well as a description of the context in which personnel preparation programs in special education are operating and an overview of the evolution of the administration of the Part D program.

It has not been a purpose of this testimony to specify the content of the reauthorization of the Part D discretionary program, but the testimony does have certain implications which are presented as a conclusion for the entire narrative.

A Coherent National Program

Ideally, the Part D program would emphasize the most major problems in ways that would create a meaningful response and that would concentrate energies on achieving quality education for all handicapped children and youth, through sufficient numbers of well qualified personnel for their instruction and related services.

Collaboration and Consistency

A federal program of this magnitude is best executed when it is not full of surprises and fluctuations for the field, and when the field has opportunities to present information and to interact as changes are planned. Consistent leadership and emphasis on demonstrated quality by the federal program could become an enormous force for advancement and improvement in personnel preparation and in education for the handicapped.

Concentration of Resources

Problems of personnel supply and demand in education for the handicapped are well documented in many sources. Money should be consolidated to meet the most pressing needs, and directed to a small set of priorities so that federal funds can do the maximum good, both in terms of meeting needs and in terms of concentrating resources for the greatest impact.

Support of Programs

Considering the enormity of the need and the conditions of higher education at this juncture, basic support of special education programs within colleges and universities should be contemplated, rather than simply the funding of projects. The perpetuation of training is now the question on many campuses and in many program specialties; it is the core programs in special education personnel preparation that need support.

Leadership Training

Recognition should be given to the essential role of leadership training in ensuring a continuing supply of teacher trainers, researchers, administrators, and leaders for a variety of posts in other programs.

Recruitment

All possible support should be directed to attracting and recruiting able individuals into special education. Scholarships, fellowships, and other incentives should be considered, as should an organized program to stimulate recruitment into special education personnel preparation programs.

Innovation and Experimentation

Special Projects represent the venture capital of personnel preparation for stimulating innovation and new approaches, uses of new technologies, new linkages with school districts, new interdisciplinary models, better instructional methods, and improved quality in personnel preparation. The value of Special Projects, and the dissemination of their outcomes, should receive serious consideration.

Planned Change

Grant cycles that respond to a longer-term program of change might be more effective in achieving goals in more permanent ways. The wisest move would be the development of a ten-year plan for special education, in which all levels and roles in the profession could respond accordingly. Within a longitudinal plan, grant programs could sustain for varying amounts of time, depending on the magnitude of the work involved.

It has been a privilege to prepare this testimony for the Subcommittee, and I hope that it will be useful in the improvement of educational opportunities for handicapped children and youth, both now and in the future.

Respectfully submitted,

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Judy Smith-Davis, Ph.D.

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Mr. MARTINEZ. Thank you.

Mr. WILLIAMS. Thank you.

Mr. Bellamy.

Mr. BELLAMY. Thank you, Mr. Chairman.

I, too, appreciate the opportunity of being here to testify on the reauthorization of the Education of Handicapped Act. I think that it is appropriate that you are holding these hearings on the 10th anniversary of the passage of Public Law 94-142. We have indeed accomplished a great deal in 10 years, but I think that like other witnesses before me today, there are a number of puzzles and problems that remain that require the attention that the discretionary programs under consideration today deal with specifically.

In my testimony I would like to point to four parts of the Act that I believe deserve particular attention from the committee and for which I want to make some specific recommendations. While those parts of the Act represent different individual programs, they are consistent in their focus on the problem of interagency coordination, and on the recognition that the objectives of special education simply cannot be met if we deal with special education in isolation from the other human service programs that deal with people with disabilities.

The first of the areas that I would like you to pay particular attention to is the secondary and transition program. We had an incredible national response to the authorization of that program in the last amendments to this Act. As Dr. Cullar mentioned earlier, there is considerable momentum that needs to be sustained. I think we have gone a long way to solve some of the easy problems of interagency coordination, but some much more systemic issues still exist.

The situation that people with moderate, severe and profound disabilities find themselves in illustrates the problem best, I think. Here we have a situation where surveys of parents have consistently shown that as parents whose sons or daughters with disabilities begin to leave school, their primary concern is with a vocational service at the point of graduation.

At the same time, we have data that shows that the nonvocational and prevocational services managed by the State mental retardation agencies have mushroomed in the last few years, such that now those State agencies are spending almost as much State and Federal money for nonvocational and prevocational services as we spend in the entire State vocational rehabilitation system.

So in a sense, at the same time that our special education programs have shown dramatic improvements in the ability of people with moderate and severe disabilities to work productively and to live in community settings, we are investing, on the other hand, in nonvocational and prevocational services that segregate them from the mainstream of community life and prevent them from working effectively. So to remediate that problem I would recommend three things:

One, that the committee work with other appropriate committees in the Congress to remove the incentive that exists in the Health Care Financing Administration that in fact encourages States to set up inappropriate programs for people leaving school.

Second, that you work with whatever appropriate committees that are involved to maintain the 1619 (a) and (b) amendments to the Social Security Act, because those are absolutely critical if people with severe disabilities are going to work alongside others in the community.

Finally, that you authorize the expenditure of some of the discretionary funds under the severely handicapped and deaf, blind programs in this act in collaborative projects with post-school services so that we can begin some of the technology transfer from what we have learned in high school programs to some of these adult service agencies.

My second general recommendation is that you strengthen the mandate for services in the least restrictive environment. Here the coordination issue that is raised is with regular education. The problem is, that while Public Law 94-142 created a presumption that services in the regular classroom or regular school would be the most appropriate, the law also seemed to envision an array of services that included segregated schools and residential schools and the like, apparently for people with more severe disabilities.

What we have learned in the ensuing 10 years from research and model program activities is that kind of segregation really is unnecessary for educational purposes. We can reach our educational goals with students with severe and profound disabilities in the regular school—not in the regular classroom, but in the regular school building. Consequently, we are denying students some of the most important lessons of school, that of interacting with people that they ultimately must deal with as an adult by segregating them from their peers without disabilities.

My recommendation is that this committee and this Congress express an intent that the discretionary programs authorized under the Education of the Handicapped Act focus specifically on knowledge development, personnel preparation, and model program development, in integrated school systems so we can begin to solve the problems more systematically that are occurring in integrated situations.

My third broad recommendation relates to interagency coordination in the areas of serving people before they reach school age. In one sense we must admit that the combination of incentive grants and discretionary programs in the area of preschool education, while they have taught us a great deal procedurally, have not yet resulted in the desired nationwide system of services that would guarantee any infant or young child with a disability the kind of services that we know would facilitate his or her entry into school and success in later life.

Whether Congress supports an extension of the educational entitlement to birth or to some other age or using some other strategy, my recommendation is really that there also ought to be a very clear expression of the responsibility of other agencies regarding service delivery, funding and administration of infant and preschool programs.

It may well be an extension of the education entitlement is the best strategy to ensure that we get services for people with severe disabilities, but it is critical to recognize that education is not the only service delivery agency and that other agencies, including the medical community and the medical financing system must be involved and the roles must be identified.

Finally, a brief note. I think that the Congress could do a great deal to encourage experimentation and program development that avoids some of the labeling of students with mild educational handicaps. We do have procedures for serving people with mild educational handicaps in regular classrooms. That is not simply a matter of putting a student in a classroom without support, it is carefully constructed curricula, classroom organization procedures, and teaching procedures.

What is interesting is that it is exactly those same procedures that also appear most effective with other students who are at risk for failure in the regular educational programs. I believe that it would be very useful if Congress encouraged, through the discretionary programs in this act, some collaborative work with either Chapter 1 programs or regular educational programs so that we can provide people with mild academic handicaps the kind of specialized support services they need in the regular classroom without resorting to disability labels, and further, we investigate whether or not that really has an impact on the prevalence of disability labels across the States.

I believe, to summarize very quickly, while in general this Act has provided an enormous amount of important information, it provides the structure for innovation and quality development in special education, that there are these few areas that deserve your particular attention in this reauthorization.

[The prepared statement of G. Thomas Bellamy follows:]

PREPARED STATEMENT OF G. THOMAS BELLAMY, PH.D., UNIVERSITY OF OREGON

The Congress and the American people have much to celebrate on this tenth anniversary of the Education of All Handicapped Children Act. The right to a free appropriate public education has done more than any other measure to include children with disabilities in the mainstream of community and family life. The discretionary programs under consideration today continue to provide information and program models that are critical to state implementation of the special education mandate. The purpose of my testimony is to recommend four areas for particular attention as the Congress reviews potential improvements in these discretionary programs.

1. Extend and maintain the secondary education and transitional services program. The rapid national response after this program was established in the most recent amendments to the Act provides ample evidence of its timeliness and importance. Qualification for employment is an implied promise of American public education for all students, but entry into employment often requires planful support for persons with disabilites as they complete school. The knowledge development and innovation that the transition program fosters will allow citizens with disabilities, their families, and the general public to realize the full benefits of our investment in special education. Initial work under this program has promoted badly needed interagency coordination, but much more fundamental problems remain to be solved.

The public press nationwide tells of the frustration of parents of young adults with disabilities who leave school only to find that needed services are absent or inappropriate. Long wait lists for services are common, especially for persons with moderate and severe disabilities, and when services are available to this group they seldom take advantage of the potential that has been developed in successful special education programs.

This difficulty in obtaining needed adult services is illustrated by the continuing prevalence of nonvocational and prevocational day programs as the primary service model for persons with severe handicaps completing school. State Mental Retardation Agencies spend almost one billion dollars of federal and state funds annually to support day services, only a tiny fraction of which provide the opportunity to work for pay and interact with persons without disabilities. As a result parents and persons with disabilities are too often faced with the choice between no service at all and one which would have been available had no public education been provided.

To address problems like these, the research and development efforts in transition will need to move beyond simple interagency coordination to joint efforts to create an adult service system that takes full advantage of the employment potential of persons with disabilities who leave school. The Department of Education's developing program on supported employment is an excellent beginning, but before it can offer real work opportunities in local communities, it will need support from The Health Care Financing Administration and other federal agencies that supply funds for the existing adult day programs.

2. Strengthen the mandate for services in the least restrictive environment. While P.L. 94-142 created a presumption that the regular classroom was the best educational placement for all children unless there was a compelling educational reason for removal, it also envisioned an array of services that included segregated schools and institutions for some students. Research results, program demonstrations, and increasing local practice make it clear that one need not remove any child, regardless of the severity of his or her disability, from the regular public school campus where students without disabilities of the same age are taught. Naturally, special support services and, for some students, special classes are necessary, but these can be provided effectively and economically in the regular school. By stating its intention that regular school placement with needed support services should be an option for all students, the Congress could do much to foster the social integration of students with disabilities into the communities in which they must function as adults. It would be particularly helpful if the Congress extended this expectation for services in regular schools to all the discretionary programs, in order to focus knowledge development, personnel preparation, and model programs on problems and solutions in integrated school settings.

3. Improve the strategy for providing services to infants and preschoolers with disabilities. The present combination of incentive and discretionary grants has done much to build the procedural basis for effective early intervention that produces lasting benefits for children with disabilities. These programs have not, however, resulted in the hoped-for national system of services to this group. Fewer states mandate services for preschool children with disabilities today than at the time P.L. 94-142 was passed. The need for a new approach to encouraging these services should prompt careful consideration of the role of special education in infancy and early childhood. Extending the educational entitlement to birth may be an effective way to ensure that services are available in an equitable way to all who need them. The role of other agencies in service delivery, administration, and funding should be considered as well, for the needs of many infants and young children with disabilities can be met only in the context of interdisciplinary planning, shared responsibility, and collaborative service provision. If the Congress determines that the educational entitlement is the best vehicle for ensuring these critically needed services, it would be helpful if the concurrent responsibilities of the Maternal and Child Health, Health Care Financing, and Developmental Disabilities programs were clearly specified.

4. Explore new relationships between special education and regular education. While earlier efforts in the discretionary programs have addressed training of regular education personnel, much remains to be done to foster this needed collaboration. There is now convincing evidence that students with mild academic handicaps can succeed in the regular classroom when well designed curricula and procedures are used. Because these needed supports are similar to those used effectively with other at risk groups in the regular class, there is potential for efficient coordinated services. However, special education is structured in most states so that students must first fail in the regular program and be labeled as handicapped before they become eligible for the needed assistance. Alternative relationships between special education and regular education should be investigated so that needed services could be provided in the regular classroom without attaching disability labels to the children involved.

This could involve investing in instructional models in the early elementary grades that reduce academic failure, as well as testing administrative models that support the structured curricula, classroom management, and individualization that can produce academic progress in several student groups who are mildly handicapped or at risk of academic failure. Congressional support could encourage the use of enlisting discretionary programs to investigate and expand coordinated service models which avoid unnecessarily labeling students with mild educational handicaps, and to investigate the effects of these models on the prevalence of mild disability labels across States.

By addressing these four issues in the reauthorization of the Education of the Handicapped Act, the Congress can continue to provide direction and leadership in critical areas affecting full implementation of the right to a free appropriate public education. In an important way, each points to the need for integration and coordination between special education and other services—those affecting infants, adults, and regular students. While initial development of special education procedures may have benefited from relative isolation, traditional service boundaries must now be crossed in service delivery, administration, and funding, if persons with disabilities and their families are to achieve the full benefits of our public investment.

Mr. WILLIAMS. Thanks to both of you.

Mr. Bartlett.

Mr. BARTLETT. Thank you, Mr. Chairman.

I apologize to the witnesses, this panel and others, for not being here during the beginning of hearing. I have reviewed your testimony and I do apologize. As often happens around this place, there are several things going at once. I was on the House floor during the debate for the Reconciliation Act, in which my portion was title II, which, as you can see by the section marked in blue of H.R. 3500, it is almost half of the bill, and so I was detained on the floor in the debate on title II.

Dr. Smith-Davis, let me begin with you. I thank you for your very thorough testimony. You have given a good deal of thought to things that you have said. Let me first begin by asking do you have any sense subjectively, or do you know of any quantitative analysis, as to the funding amounts that are provided for teacher training, for preparing teachers for work in special education, and funding amounts for that training as provided by State and local sources as opposed to by the Federal Government?

I suppose my question is, how big an impact would some increase in Federal funding for personnel training in special education have in the reality on the shortage?

Ms. SMITH-DAVIS. I don't have figures on the total State amount. State legislatures will be funding State universities and so forth. My understanding is that in virtually all States some funding has been lost. In some cases, some major funding has been lost to the State university systems in the past 3 or 4 years. So that has made an impact.

As far as part D of the law is concerned, States are able to use some portion of that money for in-service training of teachers and I think States are trying very hard to use that money to make some differences in some of these problems that I outlined earlier.

I think that a larger share from the Part D Program would make an impact if perhaps the Federal Government and the States might work together, particularly under the comprehensive system of personnel development, which needs to be strengthened to determine personnel needs and determine some of these very issues that we are discussing on a statewide basis. If there could begin to be a partnership, a Federal-State partnership to give some greater support to institutions of higher education and help them to translate these projects into programs that will take root and be institutionalized and last for a while and tend to be there later to keep solving problems.

Right now, it is rather hard to do that because as I said, colleges and universities are so strapped, they are really not able to mount these new programs. So if they get 3 year programs and it is going to be hard for them to perpetuate that on their own, some kind of collaborative planning on how that might be done I think would be useful.

Mr. **Bartlett**. What kind of coordination or lack of coordination exists now in the Federal programs? Are they out there on their own?

Ms. **Smith-Davis**. Well, I think one of the very most important parts of the Act is the comprehensive system of personnel development which is to enable the State to assess its own needs for personnel for in-service and preservice training, to organize resources so that training can be coordinated properly to yield the proper numbers in the kinds of people, to dissiminate information on the best practices and results of research so current practitioners can constantly be updated, participatory planning and a whole lot of that.

That is very, very spotty over the country as to what is occurring and the Federal grants are supposed to be endorsed by their State comprehensive system of personnel development and there is supposed to be a coordinated thing within special education programs to ensure that all this happens. I think there needs to be better coordination from the Federal level and the State level to do this, and I think once we have that in place, we would find that we were solving a lot of our own problems better than we are right now.

Mr. **Bartlett**. Well, the State and local governments do tend to be strapped in budgets today, but none are so strapped as the Federal budget, since we have so terribly overreached in all areas of the budget. Would you advocate then that we increase the amount of funds for discretionary programs for personnel preparation by decreasing funds from other discretionary programs if you assume a no growth budget?

Ms. **Smith-Davis**. Well, in order to answer that I would have to review other discretionary programs to find out whether I thought there were any of that kind of thing, give and take, could happen. Bascially I would say I hope you don't decrease the amount of money. I hope you put money together in substanital ways that can have an impact. All these little tiny priorities can still exist if we have a large piece of that money for preparation of special education courses, if we have a comprehensive system of personnel development that tells States what their own needs are, then they ought to be able to make their proposals according to what their own needs are. We ought not to have a million dollar priority here and a million dollar priority there, and not enough money anywhere to make the difference.

Mr. **Bartlett**. So, you would concentrate the resources?

Ms. **Smith-Davis**. Yes. I feel we are wasting it the way——

Mr. **Bartlett**. You would concentrate it in teacher preparation?

Ms. **Smith-Davis**. Yes, sir; concentrate it on preparation of special education courses, leadership training, special projects, and some interdisciplinary. I believe that would be the way it would do the most good.

Mr. BARTLETT. I want to explore with you some of your testimony—the issue of placing special education students in regular education classes. When it is done inappropriately, as a means of dealing with the teacher shortage, then that is negative.

I wonder, in quantitative research, how you can differentiate between the inappropriate placement from placement that is often appropriate and had not been done in the past but should be?

Ms. SMITH-DAVIS. Sure.

Mr. BARTLETT. Is there a way to quantify it?

Ms. SMITH-DAVIS. I am not prepared today to quantify that in a data sense, but I can tell you that from interviewing State education agency people several times over the past years, there are those that will say the kids are being moved more and more into regular education and we are terrified, the kids are terrified, and the teachers are terrified. Now, when there is that situation, one has to question the readiness and quality of what is going to occur.

So my first question is the readiness of regular education to take this on, and how long it will take, how long we might expect under a program planned change for the readiness to occur? Second, what is happening to current the generation of kids who are there already? Third, how do we best spend the personnel preparation money in special education on consulting teachers, support personnel, to set up all the structures that ought to be there to make it work in regular education? A little bit of in-service here and there I do not believe are going to be the answer to that.

Mr. BARTLETT. You don't diagree with the goal of placing——

Ms. SMITH-DAVIS. I endorse it. I endorse it fully. I am concerned about the reasons that it has happened on this occasion, and where we are at with it right now.

Mr. BARTLETT. Professor Bellamy, first of all, we all appreciate your excellent testimony on somewhat short notice. We appreciate that.

Let me ask you some questions about the supported employment programs that you have been involved with. What would you judge to be the key elements of a successful supported employment program that should be part of the special education system? What changes in EHA reauthorization, or other Federal laws should be emphasized in order to achieve better supported employment through a special education program?

Mr. BELLAMY. I think it is important to note that supported employment really is an employment service for people who are beyond school age and therefore, that special education role is preparation for supported employment. With that as background, the basic elements of supported employment are really that we are talking of people who heretofore had not been eligible for traditional vocational programming. Today, through activity and vocational services that I mentioned in my testimony, we would offer to that group the opportunity to work for pay in integrated settings with ongoing support.

In essence, what we are doing is admitting that under our current system we are providing ongoing day services anyway, and we are saying that that money could be more fruitfully used both from the Government's standpoint and the individuals, if we provide support in employment rather than ongoing readiness for employment. That is the basic notion.

From the perspective of high school or junior high school special education programs, it offers a new curriculum development challenge in the area of vocational preparation simply because much of our existing vocational preparation models for the schools imply that one works only when one can do it completely, independently, and therefore we are preparing each student for totally independent work.

If we recognize that we do in fact have some students who require ongoing lifelong support but who can work anyway. That allows us to design our curriculum in vocational preparation in such a way that we can allow the person to have work be a meaningful part of their total life without having to learn everything that they have to know to work completely and independently.

To answer your question more directly, it creates a curriculum development issue within special education. More importantly, it creates the fundamental issue that special education cannot reach its goals of integration into the community and integration into work life of that community after someone leaves school unless we create some collateral change in the adult services system that has been available to those people with moderate and severe disabilities.

It doesn't make sense for special education to prepare people for integrated community life and work and then have the only adult services available be day care and nonvocational segregated programs.

Mr. BARTLETT. Well, as you know, there is an enormous number of people who come through the education process, and then when they graduate, in their posteducation experience, whether it is secondary or postsecondary, they want to work, but they are not given the opportunity.

What changes in Federal law would you make, if you were in our shoes, what would your priorities be? To put it another way, what barriers do you see to those persons that keep them from entering employment in America today?

Mr. BELLAMY. May I assume we are still talking of people with more severe disabilities or——

Mr. BARTLETT. The broader range.

Mr. BELLAMY. I think that we have to look at incentives of two or three levels. One is how the Federal activities created incentives for States to do particular things, and those are the ones that I mentioned in my testimony related to the Health Care Financing Administration's funding of day activity, but not employment services.

We can also look at incentives at the individual level and clearly the work that you and others on the committees have done related to 1619 (a) and (b) provisions deal very specifically with the incentives for individuals who might very well work above the 300 or 312 substantial gainful activity level but under the ceiling in 1619(a) program.

There is a very real way in which we must ask fundamental questions about the extent to which the Federal and State investment in helping people with disabilities get jobs. It should relate to our providing services whether that be training or rehabilitation or counseling or evaluation, and our structuring incentives for potential employers.

It seems to me that we do need to address that balance in some systemic way so we attend not just to the incentives associated with State program administration, and individuals, but also the incentive structure that affects the private employer.

Mr. BARTLETT. Thank you.

Mr. WILLIAMS. Dr. Smith-Davis, what is Nevada doing to improve the preparation of people working in special education and to assure that they continue in that role?

Ms. SMITH-DAVIS. Nevada needs to do a lot more than it is doing. They have had some turnover in personnel at the state department level in the past year which has given them a new superintendent, a new director of special education, and so forth. Nevada has two universities, both of them called the University of Nevada—one in Reno the other in Las Vegas. The enrollment has been so far down I believe that the one in Reno graduates in special education this year. They really are losing, because of fiscal incursions, as to whether they can continue their doctoral program at the University of Nevada, Reno.

At the University of Nevada, Las Vegas there is a federally funded early childhood proposal that would never exist if it weren't for Federal funds because the university could not see fit to pay for that. Otherwise, as the only early childhood training college in the State, there is a mounting new initiative to lower the age of services for handicapped children and to emphasize early childhood education, and to try to do some emphasis in secondary and transition. We are hardly producing anyone there now because of some of the problems that I have mentioned. It is indeed really a dreadful situation. Most States have more universities than Nevada, I might add, so this is quite a unique situation.

Mr. WILLIAMS. You say it is a dreadful situation. Is it a dreadful State situation or dreadful national situation?

Ms. SMITH-DAVIS. It is a dreadful national situation, although I think in Nevada, given that it only has the two universities and a couple other characteristics, it might be a little difference there but there are places worse.

Mr. WILLIAMS. What is it about the situation that requires Federal rather than State application for its resolution?

Ms. SMITH-DAVIS. Well, education for the handicapped is an area in which universities very often train people not only that work in their own State but they are deployed elsewhere. This happens particularly in specialty programs where there are certain programs that are noted and very good at preparing people to educate the severely handicapped. Everyone wants to go to them, and then the people that graduate will go into various areas around the country to work. So State legislatures probably don't usually support that level of activity to produce people to go beyond State lines.

A lot of these programs are very, very expensive and they have to have very, very small enrollments. They really don't return the money to the university programs training people for low incidence early childhood and a number of specialties, never pay back the university for what is put out and so for these reasons, Federal funds are needed.

Federal funds I think are also needed to give a shot in the arm to the whole thing in the face of shortage and getting something turned around as fast as possible.

Mr. WILLIAMS. Along with the Federal funds you called for a more coherent national program which I guess means that the authority should be emphasized more in the law, authority, recalling a change in the law?

Ms. SMITH-DAVIS. No, I am not calling for a change in the law. I think we need a little more coherence in the way the program is administered because, as I said before, this is a case where I think the States can really determine what their needs are. There is a vehicle in the comprehensive system of personnel development for them to do this.

I think the comprehensive system of personnel development needs to be emphasized quite a bit more at the State levels and then once that can be done, then I believe the policy of putting $1 million on this priority and $1 million on another priority, is not going to make any impact across the country. If we could have a coherent program addressed to a few priorities in major ways, then I believe we could have an impact if the States at the same time had their personnel development systems put together. They know what their needs are, and then the grants that are given to States could respond to States determined by their needs.

Mr. WILLIAMS. Mr. Bellamy, is it the sole goal in vocational preparation, special education, to provide a job at the end of the preparation, or you mentioned—you used the term integration into society. Would that be defined as a job, that is, successful integration? Would it depend on the job or are there other goals that might be equally acceptable to you? I ask this because witnesses yesterday to some degree differed on the answer.

Mr. BELLAMY. I think that that employment is a critical aspect of integration into society. A job by itself doesn't guarantee the sort of social integration and personal fulfillment we like to have all our students have. On the other hand, I would submit that for a person with a disability like most of the rest of us, being unemployed is a significant barrier to achieving the kind of social integration and social network that we would want our graduates to have. I do see it as a very critical part, certainly not the entire part, of the services.

I think some of the disagreements that you might hear do not reflect the perspective of people from working with either people with academic or severe disabilities.

We have had a system in place for a very long time for people with mild academic handicaps that has emphasized vocational preparation when they left school. Before, we had the vocational rehabilitation system and vocation rehabilitation system that primarily served people with mild academic handicaps. When they addressed people coming out of special education, it is reasonable for people with that group to underscore the necessity for a broader perspective. We have had the opposition in places for people with more severe handicaps where they were absolutely disallowed from any kind of preparation. Some schools have adopted their employment potential.

It is quite reasonable you would hear from someone here reflect working with people with severe disabilities, a real emphasis on employment preparation and employment as the outcome of education. I am not sure that they are necessarily contradictory.

Mr. **Williams**. Our thanks to both of you and to each of the witnesses. The committee may write to each or some of those who were witnesses, with additional questions that the committee members, upon reviewing your testimony again, and your testimony again, and our questions and your answers find that we need pursue further.

So we would appreciate it if any of the witnesses do receive requests for further information, that you answer us as soon as you can, because we are, of course, involved in writing the bill. Thank you all very much.

The hearing of the Subcommittee on Select Education is adjourned.

[Additional material submitted for the record follows:]

COMMITTEE ON EDUCATION AND LABOR,
SUBCOMMITTEE ON SELECT EDUCATION,
Washington, DC, October 31, 1985.

JUDY SMITH-DAVIS, Ph.D.,
Editor, Counter-Point,
Reno, NV.

DEAR DR. SMITH-DAVIS: Thank you for taking the time to present testimony before the subcommittee on Select Education regarding the reauthorization of the Education of the Handicapped Act. Your testimony was extremely helpful.

Because of the number of witnesses testifying at the hearing, I was unable to ask several questions that are of interest to me. I would appreciate it if you would answer the questions set out below. The hearing record will be open until November 15 to include your responses to these additional questions.

(1) As you know, the Reagan Administration proposed freezing all funding for EHA with the exception of personnel preparation, where they proposed a cut of $12 million from the $61 million appropriated for this program in fiscal year 1985. Although Congress has not accepted the proposed cuts, what evidence is there to lead the Administration to propose such a heavy cut in personnel preparation?

(2) Special educator "burn-out" is a fairly common occurrence. How can training programs help to prevent this teacher burn-out?

(3) Why should Special Education Teacher Training be a federal responsibility?

(4) In regular education, the "traditional" teacher is disappearing. A shortage is occurring due, in part, to social changes. Special education is even more demanding. How are these changes affecting the supply of special ed teachers?

Best regards.

Sincerely,

PAT WILLIAMS.

COUNTERPOINT COMMUNICATIONS CO.,
Reno, NV., November 5, 1985.

Hon. PAT WILLIAMS,
Chair, Subcommittee on Select Education, Committee on Education and Labor, U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN WILLIAMS: Thank you for the opportunity to testify on October 23, and for your October 31 letter, which I have just received. I will respond to your questions rapidly, because I am about to leave for a three-week trip. I will be in the Washington area between November 11 and 16 and can be contacted at the Radisson Mark Plaza Hotel in Alexandria. This is the site of the annual national conference of the CEC Teacher Education Division, and I invite you, other members of the Subcommittee and your staff to visit us at the conference. I would be glad to arrange meetings with other people who could offer information on Part D.

The remainder of this letter will respond to the four questions you posed in your October 31 letter, as follows:

1. What evidence is there to lead the Administration to propose such a heavy cut in personnel preparation (a cut of $12 million from the $61 million appropriated for this program in fiscal year 1985)?

Prior to the Administration's current proposal, there have been repeated attempts since 1981 to make incursions into the Part D budget. In addition to the most recent proposal, the Administration has also proposed the following (each of which was well below the previous year's appropriation, and each of which was not supported in Congress):

FY 1985: 37.6 million Part D budget.
FY 1984: 33.6 million Part D budget.
FY 1983: Proposal for a block grant of all EHA discretionary programs, and a 50 percent reduction in all EHA discretionary programs.
FY 1982: 33.0 million Part D budget.
FY 1981: A rescission was enacted in the summer of 1981 (to 43.5 million, later partially restored by Congress) and there was a complete absence of funding for three months.

To my knowledge, there has been no needs-based evidence to support any specific proposals to reduce the federal investment in personnel preparation for education of the handicapped. On the contrary, it would appear that the Administration is disregarding evidence that is available. The 1985 Seventh Annual Report to Congress prepared within the OSERS Special Education Programs office displays needs for personnel for special education. The University of Maryland Manpower Studies, funded by the Division of Personnel Preparation, verify manpower needs. The states' annual reports further document needs, and my impression is that the shortage of personnel is becoming an over-arching issue in the states. The work of the National Center for Education Statistics also verifies these needs, but in somewhat less detail than other sources, with regard to special education.

At the same time that the Administration has been proposing to diminish the Part D budget, the needs for personnel have grown as shown in the prepared statement that I delivered to the Subcommittee. Not only have shortages become more pronounced, for various reasons, but higher eduction programs have themselves suffered cutbacks and fiscal setbacks that leave them in a less viable position than they were before 1981.

In view of the data that are available, I am at a loss to explain the Administration's position with regard to Part D funds. Although there is and has been concern with the geometrical upward progression of the federal deficit since 1981, I don't believe that this alone can explain why the Part D program is generally a target for the largest percentage and dollar cuts among the EHA discretionary programs.

The only thing that I can offer in this regard is my own perception that Administration policy has seemed to me, from time to time, to relate rather closely to policy recommendations that I have also found to be stated in the publications of the Heritage Foundation (which I have not found to be particularly data-based). For example, in "A Mandate for Leadership Report: Agenda 83" (Edited by Richard N. Holwill and published by the Heritage Foundation) the chapter on the Department of Education, by Lucy P. Patterson, states as follows: "Because of their small size, the discretionary programs do not have powerful constitutents outside Washington: they are the most vulnerable targets in the Department. An Administration that will not try to abolish them is clearly not seriously about abolishing anything in the Department" (page 120). Whereas the "constituency" for Part B and for numerous discretionary programs includes a mass of parents, state and local educators, handicapped individuals, teacher trainers, and others—the Part D "constituency" has generally been smaller, consisting mainly of those involved in preservice and inservice teacher education and some other advocates. Now that personnel issues are becoming quite paramount in the minds of parents, state and local officials, and education in general, I would suspect that those who are concerned about Part D funding will be increasing in numbers.

2. Special educator "burnout" is a fairly common occurrence. How can training programs help to prevent this teacher burnout.

I can respond to this question in several ways. First of all, burnout is a complex issue and its solution depends largely on the degree to which personnel are supported at the local level. Burnout is likely to exacerbate under conditions of class overloads, misassignment of teachers, and other factors mentioned in my prepared statement of October 23, and these conditions, in turn, tend to be more pronounced during periods of personnel shortages and fiscal constraints, such as local school districts have been experiencing. I believe that, when a person is placed in a position where he or she cannot do the kind of job he or she would like to do, this leads to frustration and stress that can result in burnout. It is also true that certain jobs in special education are, by their very nature, stressful.

Let me relay my own experience. From 1967 to 1974, I worked in psychiatry, as a psychometrician, caseworker, and ultimately as a director of and teacher in a school for seriously disturbed adolescents in southeastern Virginia. After seven years of this, I burned out temporarily. In my case, it was simply time to work in a different kind of setting—to be renewed. My solution was to return to school for my doctorate, afer which I had intended to take up where I had left off in the schools I had started in Virginia. Although other opportunities have intervened, I have not left special education, but in 1974 I did make a temporary change that was invigorating, both professionally and personally. Whereas I think that such changes occur in most occupations, I think they are less available in teaching than in other careers, and this may account for some of the burnout we witness that leads to a total loss of personnel.

In my own case, I do not see how my teacher education program could have prevented my decision in 1974. I do, however, see graduate education as one of the many possible sabbatical types of opportunities that could and should be arranged so that teachers' careers could be more varied and challenging, and less stressful. I also believe that the Special Projects priority of the Part D program would be an appropriate vehicle for exploring issues of teacher burnout and the possible solutions that teacher training programs might offer.

3. Why should special education teacher training be a federal responsibility?

First of all, special education teacher training is not entirely a federal responsibility; it is a responsibility that has been shared by states and by higher education. At the same time, there is a legitimate federal role in the support of personnel preparation for education of the handicapped, vis a vis Public Law 94-142 and the essential resource in qualified personnel necessary to make it succeed.

While states and higher education have been endeavoring to execute responsibilities for special education teacher training, much that has been accomplished would not have occurred (or have occurred as rapidly) without federal funds. There are several reasons for this. For one thing, teacher training programs in many specialty areas are small programs with small enrollments, necessitated by the highly specialized nature of the training and the intensiveness of faculty involvement. This makes such programs more expensive; at a time when state education expenditures are shrinking, this makes the federal dollar more strategic. Second, many special education teacher training programs, and most particularly the doctoral programs, prepare personnel for many locations other than their own states. As personnel shortages become more acute, more and more institutions of higher education will be providing personnel for an even greater geographic area. Because these programs often serve districts beyond their state lines, it is becoming more difficult to convince state legislatures to fully support programs for all of the needs that are defined.

Finally, it is also quite necessary to address the quality of personnel and to ensure the development of a more uniform standard of quality. The federal program has been invaluable in that regard. The best that has been developed in personnel preparation for education of the handicapped over the past ten years is available across the country for others to profit from. Without the federal presence, there would be far more fragmentation and far less systematization in the approach to training. In a field that has organized so recently to meet a mandate so extensive, this impact of the federal dollar has been immense. This investment has tended to ensure equity in education for the handicapped because it helps to ensure more uniform quality of the personnel who are prepared.

4. In regular education, the "traditional" teacher is disappearing. A shortage is occurring due, in part, to social changes. Special education is even more demanding. How are these changes affecting the supply of special education teachers?

My answers to this question lie in the areas of the changing role of women in society, changes in the workplace, and the depopularization of education in the press and in politics. Over the past several decades, as the roles of women have expanded, many women who might have traditionally taken up teaching as a career have, instead, entered other fields. At the same time, the occupants and professions have increased their salary levels at a much greater rate than has the field of education. With these new opportunities and more lucrative professional possibilities, many people (particularly women) are no doubt rejecting careers in education in favor of other careers. At the same time, however, various studies have shown that those who are teachers usually obtain a real gratification from succeeding with children that cannot be replaced with money or other incentives.

When something interferes with that gratification, then I think we are in trouble, as we clearly are now. Education is in the same position as many business ventures and industries in the country: much needs to be revamped and evolved to address the problems and challenges that face us; individual skills' need to be upgraded; improvements are needed. I submit that education as a whole is certainly no worse in these regards than many major areas of American business and industry, and, in some regards, it is probably doing a better job. However, it is only in education that the individual practitioner and the individual teacher trainer has been singled of late as somehow personally and professionally inferior. My oral testimony shows how strongly I feel about this issue, because my work involves me with thousands and thousands of educators who are, for the most part, doing a good job, doing the work of two people in some cases, under very adverse circumstances. And these are intelligent, competent people who are not the rejects of other professions and occupations. It is a terrible thing when one is made to feel ashamed of one's life work, but that is exactly what is occurring.

This kind of attack is not likely to improve education in genuine ways, though it may bring about responses that will lead to "innovation without change." Most serious, I believe that this political depopularization of American schools, American teachers, and American higher education is clearly leading to reluctance of young people to become involved in this profession—and to the departure of older people from the profession. We need to make education respectable again; we need to value good teachers (and there are plenty of them); and we need to make education competitive with other occupations and professions in a variety of ways.

Some of these solutions must come from states and school districts, but some should also come from the federal government in terms of the responses it stimulates. The Part D program can also be part of the solution if it can also focus, to some extent, on recruitment and incentives.

I hope that these responses will be useful to you and to the subcommittee, and I will be glad to respond further at your request.

Respectfully,

JUDY SMITH-DAVIS, *Ph.D., President.*

PREPARED STATEMENT OF JAMES J. GALLAGHER, KENAN PROFESSOR OF EDUCATION, DIRECTOR, FRANK PORTER GRAHAM CHILD DEVELOPMENT CENTER, UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

It is my pleasure to comment on one of the most constructive pieces of legislation that Congress has passed in the past few years. One of the key elements of that legislation is the support of research and demonstration projects in education of handicapped children that has provided an important element of quality control and innovation and which has served the education of handicapped children as well. In particular, the support of long-term programmatic research has been most helpful. Most of the significant issues in these complex educational fields are not solved in six months with small research grants. These issues the sustained attention of teams of researchers who can stay with the problem such as we have doing on the study of the impact in families of handicapped children over a seven-year period at the Frank Porter Graham Child Development Center, at the University of North Carolina at Chapel Hill.

There is one attention, however, that I feel would be particularly helpful to the existing legislation. One of the most limiting factors to researchers is the lack of effective measuring instruments to carefully study growth and change in young handicapped children. The existing instruments that we have to measure such key constructs as attention, hyperactivity, temperament, and social processes are often limited. The reseacher uses them grudgingly as the best available at this time. Clearly, there is a need for development of much more valid and sophisticated instruments, but the development of effective tests, inventories, scales, etc., is expensive in terms of both time and personnel. That is why better instruments do not now exist.

Yet agencies are reluctant to use limited research dollars for measurement development, a shortsighted view in my opinion. The Congress could move this measurement development process along by showing their interest and including another point under Section 641a (which includes a list of research and related activities assisted under this section):

(6) The development of measuring instruments that help the assessment of child progress across a number of developmental domains and provide researchers with more effective tools for effective analysis and program evaluation.

This small addition could give the agency the encouragement needed for them to support work in this critical dimension.

[Whereupon, at 3:20 p.m., the subcommittee was adjourned.]

REAUTHORIZATION OF THE DISCRETIONARY PROGRAMS UNDER THE EDUCATION OF THE HANDICAPPED ACT

TUESDAY, NOVEMBER 26, 1985

House of Representatives,
Subcommittee on Select Education,
Committee on Education and Labor,
Honolulu, HI

The subcommittee met, pursuant to call, at 1 p.m., in room 462, Prince Kuhio Federal Office Building, Honolulu, HI, Hon. Pat Williams (chairman of the subcommittee) presiding.

Members present: Representatives Williams and Hayes.

Also present: Representatives Heftel and Akaka.

Staff present: S. Gray Garwood, staff director.

Mr. Williams. I call to order the hearing of the Subcommittee on Select Education on the issue of reauthorizing the discretionary programs under the Education of the Handicapped Act. We will begin, and my other colleagues from Congress will be along shortly.

I want to welcome each of you. Many of you are familiar with part B of the Education of the Handicapped Act, more commonly known as Public Law 94-142, part B, which is celebrating its 10th anniversary this month, is the section which allocates more than $1 billion of Federal assistance to States in an effort to help them to provide a free appropriate public education for all handicapped children.

The discretionary programs we are examining today need to be reauthorized before September 30 of this coming year, and they are an essential source of support to special education and related services provided for the 4 million handicapped children who receive services under Public Law 94-142. The discretionary programs provide approximately $155 million in assistance to State and local education agencies, other public agencies, private and nonprofit organizations, and institutions of higher education to support a variety of programs to meet the special needs of the handicapped. Those centers and services include, regional resource centers, early education programs, secondary education programs, transitional services, postsecondary programs that provide training of special education personnel and parents, dissimination of information, research on effective and more effective ways to provide services and instructional media and methods.

Based upon the testimony today, it is our goal to use that to combine it with testimony we have received at our other hearings to draft a comprehensive proposal for the reauthorization of the discretionary programs under the Education of the Handicapped Act.

First, we will have the director of special education for the State of Hawaii, Dr. Miles Kawatachi, to be our first witness.

Doctor, if you will come to the table, your entire testimony will be placed in the hearing record, and you may proceed as you wish. We ask all witness to keep their testimony within 10 minutes. If you should hear the gavel, the witnesses will know your time has expired.

Doctor, we are glad to have you with us today. We look forward to your testimony.

STATEMENT OF MILES KAWATACHI, DIRECTOR OF SPECIAL EDUCATION, STATE OF HAWAII

Mr. KAWATACHI. Mr. Chairman, first of all, Aloha.

I am Miles Kawatachi, educational director of the special education section of the Hawaii Department of Education. I serve as the department's director of special education.

Very briefly, the implementation of Education for All Handicapped Children Act has been challenging, at times frustrating, but in retrospect, satisfying. We have, I believe and the U.S. Department of Education's recent onsite comprehensive compliance review indicated, been fulfilling the congressional intent of Public Law 94-142 to insure a free public education to all handicapped children in this jurisdiction.

Superintendent of Education Francis Hotanawka indicated in a recent conference, entitled "Special Education in the Future," we are now at a juncture in special education between compliance with State and Federal requirements and focusing on content and excellent instruction. Our experience in the education of handicapped children since the advent of Public Law 94-142 has prompted specific changes, influencing merging trends for the future.

Before speaking to some of the merging trends, a few thoughts about the administration of Education of the Handicapped Act. First of all, States have been challenged to implement Public Law 94-142, which includes providing programs and instructional leadership, to monitor, to protect assistance, to administer funds, to administer due process requirements, to collect and report data and to insure that all provisions of the Act are met, and these are to be done under limited available administrative funds.

Although the responsibilities for the administration of the Act have increased, staffing has decreased. The decrease in part is attributable to rising personnel and other related costs, but of course, the limitation of $300,000 for Education of the Handicapped Act administration. I understand that through your efforts small States, such as Hawaii, will be authorized to expend $350,000 for administration in the proposed legislation. We certainly appreciate your understanding of the problem and your efforts in our behalf. The increase of $50,000 is most welcome, but as a result of a temporary solution to a problem that confronts not only small States but larger States under the 3-percent formula.

The National Association of State Directors of Education has proposed, and I would support, a provision to enable SEA's to utilize

State nonflowthrough Federal funds to meet administrative-related costs, such as data management, which raises my second point, if I may, Congressman, which we do appreciate the need for and the value of data for compliance and program improvement purposes.

The Office of Special Education and Rehabilitative Services, in response to congressional action, is requiring States to complete a 65-page document. Although its length and scope is a problem in itself, the more difficult problem in responding to that document, is the detail of information. The factors or variables to respond to the questions are presently not available and would be difficult, if not impossible, to capture in an information system.

The related problem is that which deals with projected data that the 65-page document calls for. At this point it is without a sound data base, and the methodology for making such projections would be inconsistent without guidance from the Federal Government. I am aware that the special education programs of OSERS is conducting a review of data collection. While the review is being done, however, States are required to complete the Federal Government data requirements.

I am told the State of Hawaii has one of the best data collection systems in the country. To modify our system, to collect data as required by the Federal Government, would require leadtime of at least 2 years. It would seem best to me to place the practice data collection requirements on hold with the blessing of Congress and to expend our resources and energies to developing systems that would collect information States can manage and would fulfill the needs of the Federal Government.

The third issue I wish to raise in respect to administration of Education of the Handicapped Act is rather general and pervasive in respect to language intent of the Act. Specifically, although the Act provides definitions, and in some cases highly prescriptive procedures, it lacks standards of criteria for consistent implementation.

For example, the Act defines related services as services required to enable a child to benefit from special education, and by reference, the basic tenet of the Act is determination on an individual basis. Would horseback riding constitute a benefit? In part.

Standards being developed or have been developed by OSERS in draft form that would be of assistance. Unfortunately, in the absence of those standards in the past 10 years, courts have interpreted the Act and expanded the scope of the law. Free appropriate public education has expanded into year round education for certain children, and a less restrictive environment has resulted in contracting regular preschool programs to enable 3- and 4-year-old handicapped children to interact with nonhandicapped 3- and 4-year-old children.

In the reauthorization of Education of the Handicapped Act, we request that the Congress clarify definitions to reduce the need for legal interpretation and to emphasize the role of educational judgment and professional expertise.

Now, some of the emerging trends. All current and continuing focus in special education is to insure relevant instructional content and effectiveness of instruction. Superintendent Hotanowka indicated beyond compliance is the real purpose of education, to reach youngsters, to prepare them for their present and future needs. To insure that we are meeting future needs, we have begun the process for interagency development of individualized transition plans.

Our objectives, as stated in the State plan for special education for 1984–92, is by September 1988 all special education students aged 15 and older will have an IEP developed through the planning process. The plan will include transitional postsecondary goals toward which the child's IEP will be developed, it is developed with the participation of parents, other agencies and students where appropriate, will promote a smooth transition to postschool opportunities and services provided by other agencies.

In addressing issues related to the mildly handicapped, our objective is to insure joint special education and regular education services to deliver promising practices for intervention, without removing children from the regular classroom when appropriate. In subscribing to earlier intervention we are currently providing statewide public education for 3- and 4-year-old handicapped children.

Through our State implementation grant, our objective is to promote services for handicapped and at risk infants from birth. In the process, we will be fulfilling the Act's full opportunity goal and insure early intervention, which can reduce impact of disability.

An overarching objective is quality program evaluation. Our intent is to implement a comprehensive system of program quality evaluation, including a special education management information system for ongoing program review, special research and studies, program improvement, monitoring for program compliance, and technical assistance.

Our special education objectives for the next 6 years focus upon program improvement and instructional improvement to insure quality programs and services for handicapped children in the State of Hawaii. Essentially, critical to the improvement efforts is availability of Federal discretionary grants to conduct research and studies, to design and demonstrate programs and services, and to provide training to people who work with handicapped children.

Among our present discretionary grants are an assessment, improvement and related services project to assist the State in documenting and reviewing the effectiveness of related services and to recommend improvement in their delivery, a severely handicapped study to assist the State in planning and serving handicapped children in a totally integrated environment.

The Pacific deaf-blind project, Center for Services for the Pacific, enables the Department of Education to demonstrate community based supported employment services for deaf-blind children and youth. Our preschool grants are intended to refined programs and services for 3- and 4-year-old handicapped children and to assist in the development of comprehensive planning of community services from birth to age 5.

Our training grant provides funds for training of regular and special education teachers, administrators, parents, community and other agency personnel through a program of modules. During the 1983–84 school year, approximately 2,000 individuals will provide training through the project. The continued funding for these discretionary grants are essential to insure faith and bring about improvement in our services.

Although not indicated in written testimony, I would like to add, sir, the services of the regional resource center have been critical to not only the development of procedures and guidelines and implementation programs in the State of Hawaii these past 10 years, but they are very much engaged with us in these improvement efforts over the years and our plans for the future certainly call upon the regional resource center's continued assistance.

As chairman of the Organization of Exceptional and Special Education Agencies, I wish to express our appreciation for the recognition the U.S. Department of Education has given to educational agencies. They are both SEA's—State educational agencies—and local educational agencies.

Our discussions with OSERS and SEP have been most fruitful in bringing about understanding of our uniqueness and the geographical, social, and cultural diversity of island agencies.

The U.S. interest in the Pacific stretches from Hawaii to the Trust Territories of the Pacific Islands of Guam and the Commonwealth of the Northern Marianas to the west and to American Samoa to the south. Improved communications and the use of technology will reduce the distances and could be vehicles for instruction. Your support, congressional support, to replace ATS-1 will facilitate communication in the Pacific area. Your support and further financial assistance to demonstrate assistance in education, and of the training of local staff in these areas would enable handicapped children to enjoy appropriate education services.

Mr. Chairman, and members of the committee, thank you again for the opportunity to share these thoughts with you. We appreciate the Federal-State partnerships we have enjoyed with the U.S. Department of Education and with you, and particularly with the Office of Special Education and Rehabilitative Services. Through this partnership the promise of Public Law 94-142 being realized, and through this partnership we will achieve excellence in education.

Thank you, sir.

[Prepared statement of Miles Kawatachi follows:]

PREPARED STATEMENT OF MILES KAWATACHI

Mr. Chairman and Members of the Subcommittee on Select Education: Aloha!

I am Miles Kawatachi, Educational Director of the Special Education Section in the Hawaii Department of Education. In that capacity, I serve as the department's Director of Special Education.

The implementation of the Education for All Handicapped Children Act in the State of Hawaii has been challenging; at times frustrating, but in retrospect, exciting and satisfying. We have, I believe and as confirmed by the U.S. Department of Education's recent on-site Comprehensive Compliance Review, fulfilled the promise and the Congressional intent of Public Law 94-142 to ensure a free appropriate public education to all handicapped children in this jurisdiction.

As Superintendent of Education Hatanaka indicated at a recent conference entitled "Special Education Futures": "We are now at a juncture in special education between compliance with state and federal requirements and focus on content and excellence in instruction. Our experiences in the education of handicapped children since the advent of P.L. 94-142 have prompted specific changes and are influencing emerging trends for the future".

Before addressing emerging trends, a few thoughts about the administration of EHA-B.

1. *State administration.*—Hawaii is unique not only because of its separation and distance from the mainland United States, but also because of its organization as a centralized school system. As a single statewide public school district, it is the 5th largest school district in the country. The Department of Education is both a state and local educational agency. Its uniqueness aside, the administration of the Act to provide program and instructional leadership, to monitor, to provide technical assistance, to administer funds, to administer due process requirements, to collect and report data, and to ensure that all provisions of the Act are met has been limited by available administrative funds. Although responsibilities have increased, staffing has decreased. The decrease, in part, is attributable to rising personnel and related costs and the state's limitation of $300,000 for EHA-B administration. I understand that through your efforts, "small states" such as Hawaii will be authorized to expend $350,000 for administration under proposed legislation. We appreciate your understanding of the problem and your efforts on our behalf. The increase is most welcome, but, is a temporary solution to a problem confronting both "3%" and small states. NASDSE has proposed and I support a provision to enable SEAs to utilize its state "discretionary" or "non-flow through" federal funds to meet administration-related costs for activities such as data collection.

2. *Data collection.*—We do appreciate the need for and value of data for compliance and program improvement purposes. The Office of Special Education and Rehabilitative Services (OSERS) in response to Congressional action is requiring states to complete a 65-page document. Although its length and scope is ~~a~~ problem in itself, the more difficult problem is the detail of information by factors or variables that are presently not available and would be difficult, if not impossible, to capture in an information system; and projected data without a sound data base and methodology for making such projections. I am aware that Special Education Programs of OSERS is conducting a review of data collection. While the review is being done, however, states are being required to complete the federal data requirements. I am told that the State of Hawaii has one of the best data collection systems in the country. To modify the system to collect the data as presently requested, would require "lead time" of at least two years. It would seem best to me to place the present data requirements on "hold" (with Congressional "blessing") and to expend our limited energies and resources to developing systems that would collect information that states can manage and would fulfill the needs of the federal government.

3. *Clarification.*—The third issue in the administration of EHA is general and pervasive in respect to the language and intent of the Act. Specifically, although the Act provides definitions and in some cases highly prescriptive procedures, it lacks "standards" or "criteria" for consistent implementation. For example, the Act defines "related services" as "services required to enable a child to benefit from special education"; and by reference to the basic tenet of the Act, "as determined on an individual basis". Would "horseback riding" constitute a benefit? In part, standards are being developed or have been developed in draft form that would be assistive. Unfortunately, in the absense of these standards these past 10 years, courts have interpreted the Act and I believe, have expanded the scope of the law. "Free appropriate public education" has expanded into "year-round" education for certain children; and "least restrictive environment" has resulted in contracting regular preschool programs to enable 3 and 4 year handicapped children to interact with non-handicapped 3 and 4 year old children. Reauthorization of EHA should clarify definitions to reduce the need for legal interpretation and should emphasize the role of educational judgment and professional expertise.

And now emerging trends!

1. *Instructional improvement.*—Our current and continuing focus in special education is to ensure relevant instructional content and increased effectiveness of instruction. As Superintendent Hatanaka indicated, beyond compliance is the real purpose of education, to "reach" youngsters and to prepare them for their present and future needs.

2. *Transition planning.*—To ensure that we are meeting students' future needs, we have begun the process for interagency development of individualized transition plans (ITP). Our objective as stated in the State Plan for Special Education 1986–1992 (second draft) is "by September 1988 all special education students age 15 and older will have an ITP developed through the planning process". The plan will include transitional or post-secondary goals towards which a child's IEP will be developed. The goals developed with the participation of parents, other agencies, and students where appropriate, will promote a smooth transition to post-school opportunities and services provided by other agencies.

3. *Special and regular education partnership.*—In addressing issues related to the mildly handicapped, our objective is to promote joint special education and regular

education services to deliver promising practices for intervention without removal of the child from the regular education classroom when appropriate.

4. *Early intervention.*—We are currently providing statewide public education to 3 and 4 year old handicapped children. Through our State implementation grant, our objective is to promote appropriate programs and services for handicapped and at-risk infants from birth. In the process, we will be fulfilling EHA's "full educational opportunity goal" and ensure early intervention which can "reduce" the impact of a child's disability.

5. *Program quality evaluation.*—Our objective is to implement a comprehensive system of program quality evaluation including a special education management information system for on-going program review, special research and studies, program improvement, monitoring for program compliance, and technical assistance.

Our special education objectives for the next 6 years focus upon program improvement and instructional improvement to ensure quality programs and services for handicapped children in the State of Hawaii.

Essential to the improvement efforts is the availability of Federal discretionary grants to conduct research and studies; to design and demonstrate programs and services; and to provide training to personnel who work with handicapped children. Among our present discretionary grants are:

1. Assessment and Improvement in Related Services to assist the state in documenting and reviewing the effectiveness of related services and to recommend improvements in their delivery.
2. Severely Handicapped Study to assist the State in planning and serving handicapped children in totally integrated environments.
3. The Pacific Deaf-Blind Project, a center for services to the Pacific; and to enble the Hawaii Department of Education to demonstrate community-based supported-employment efforts for deaf-blind children and youths.
4. Preschool grants to refine programs and services for 3 and 4 year old handicapped children and to assist in the development of a comprehensive plan of community services from birth to 5.
5. Training grants to provide training for regular and special education teachers, administrators, parents and community and other agency personnel through a modular program. During the 1984-85 school year, more then 2,000 individuals were provided training through Project Ho'okoho.

The continued funding for these discretionary grants is essential to the efforts of states' to ensure FAPE and to bring about improvements in our services.

As chariman of the Organization of Exceptional Special Education Agencies (OESEA), I wish to express our appreciation for the recognition that the U.S. Department of Education has given to educational agencies that are both a state education agency and a local education agency. Our discussions with OSERS and SEP have been most fruitful in bringing about understanding of our uniqueness and the geographical, cultural, and social diversity of island agencies.

The United State's interest in the Pacific stretches from Hawaii to the Trust Territories of the Pacific Islands, Guam, and the Commonwealth of the Marianas Islands to the West and to American Samoa to the South, an area greater than 25% of the earth's surface. Improve communications and the use of technology could reduce the distance and could be vehicles for instruction. Congressional support to replace ATS-1 would facilitate communication in the Pacific area; and further financial assistance to demonstrate distance education and for training of local staff would enable handicapped children in this area to enjoy appropriate educational services.

Thank you again for the opportunity to share these thoughts with you. We appreciate the federal-state partnership we have enjoyed with the U.S. Department of Education and particularly with the Office of Special Education and Rehabilitation Services. Through this partnership, the promise of Public Law 94-142 is being realized; and through this partnership, we will achieve excellence in education.

Mr. WILLIAMS. Thank you, Doctor.

A couple of questions. First, with regard to the dilemma concerning the cap on small State administrative funds. Tell me how State utilization of discretionary and nonflowthrough dollars would resolve that problem for you?

Mr. KAWATACHI. Sir, if I might speak in general, as if we were an SELEA, the LEA moneys of course are flowthrough moneys which are intended to expand and initiate services to handicapped children in local districts.

The state administrative moneys are intended to initiate, expand and demonstrate services that would be of a statewide nature. There are certain tasks that we do that an audit would be very much of an administrative nature as a demonstration improvement nature and some of these tasks may include data collection. Other tasks deal with monitoring. And so the review of use of the administrative moneys would seem to indicate that these tasks should fall within the administrative funds.

The proposal here is that the non-flowthrough monies, if that could be used for such efforts as data collection to maintain staff, that in fact would develop a system on an ongoing basis and would maintain the system, so we could in fact collect data.

Mr. WILLIAMS. Your thoughts about the administration of Education of the Handicapped Act under data collection, you mentioned that some factors are variables that are required to be collected, are simply not available?

Mr. KAWATACHI. That is correct, sir.

Mr. WILLIAMS. What would those be?

Mr. KAWATACHI. We have through the years a data collection mechanism and those are forms that were generated by OSERS, SEP specifically, and these forms previously had asked for data about age ranges, for example 3 through 6, 7 through 12, 13 through 18, and so we had established systems to collect it in that configuration.

The new requirement is to collect by specific ages. It is not impossible to collect the data in that format, it just is a matter of redoing the system, if you will, to collect in the configurations that are now being requested. My example is a simple example. There are other requirements that deal with a number of related services by age and different conditions. When the number of dimensions in a given form are multiple, it becomes much more difficult.

If the request is for the number of OT services by age and handicapped and conditions and locations, then you compound the problem. At single strands we could manually take it apart, but in multiple strands it becomes more difficult.

Mr. WILLIAMS. I don't fully understand all of the input that goes into a decision whereby the Government changes the requirements for data collection, but I can tell you that during these hearings I have been surprised at the number of people and the mixes of groups that they represent who have come before our committee and said this program is not serving a specific group of individuals with needs and you in the Congress don't know you are not serving it because you don't require the data to be collected correctly. Change the procedures.

Now, we have not asked as of yet in a reauthorization any of the procedures be changed, but I assume that this administration, which is asking for some data collection changes, has undergone the same type of demands. Remember, these aren't demands that originate in the Congress or within the administration, they originate out here from people who ask us to change the data collection systems. So it is a bit of a dilemma.

Now, on No. 3, clarification, is the difficulty there that the language isn't clear enough? The original purpose, I believe, in making the language broad was to allow the SEA's and LEA's flexibility to serve that population that you have identified. Now, I understand your point that the courts have interpreted it in such a way that it has created difficulties. Are you now asking that the Congress be more specific in its definitions so as to narrow previous court findings?

Mr. KAWATACHI. In part, sir. I guess I have a dilemma responding to that. Certain States in its implementation of law find areas in which the standards are being developed locally to meet its local requirements. I guess the perspective I bring is that Public Law 94-142, and with all of the experience we have had this last 10 years and from these experiences and recognizing areas of concern, and in those areas, I believe that some clarification within the law would be helpful.

It seems to me that both here in the State of Hawaii as well as throughout the country, we have expended much energy in courts. Primarily in respect to some disagreement with respect to the intent of the law. Certainly there has been clarification from the courts, in some cases very expansive, but rather than continue to clarify these issues, it would seem to me from our 10 years' experience it could be identified in very specific area and put into statute so we can stop that and move on from there.

Mr. WILLIAMS. If your Organization of Exceptional Special Education agencies has any suggested language, if not in its specifics, at least if you can give me at a later time, if you could write to me and give me a notion of the language that might assist by improving the situation, I would appreciate receiving it.

Mr. KAWATACHI. Thank you, sir. We welcome the opportunity.

Mr. WILLIAMS. Mr. Hayes, any questions of this witness?

Mr. HAYES. I want to apologize for being late and I didn't hear all the testimony.

I was just wondering if the numbers I am looking at are correct. Special education is a system, and I understand the system includes the whole State of Hawaii, is that right?

Mr. KAWATACHI. Yes, sir.

Mr. HAYES. The total number in special education programs are 3,752, is that right?

Mr. KAWATACHI. No, sir. The total special education is approximately 12,500.

Mr. HAYES. 12,000 I see here. I just wanted to know the difference.

Mr. KAWATACHI. The 3,000 may be the number that refers to speech impaired.

Mr. HAYES. I didn't have a chance to read it yet, I don't know. But if this amount of money that you are currently operating under, Federal money, is reduced to any appreciable amount, would that necessarily reduce the number of participants in your program? It would force you into a position, wouldn't it, where they wouldn't have the opportunity?

Mr. KAWATACHI. I believe the State's commitment is to assure that all children receive appropriate services. I think we would certainly need to look at the services that are being provided. The ramifications of reduction in funds may mean not serving children, but a matter of the intensity of special education that we might be able to provide.

Mr. HAYES. Would the State of Hawaii be able to cover a loss of funds in the event the worse could happen, that no Federal funds would be forthcoming, if they were completely cut off? I am looking at the worst that could happen.

Mr. KAWATACHI. Again, under the worst situation, I believe we have a degree of commitment that would insure services would continue to be provided. I believe what will happen is we cannot provide all that we are currently providing without the Federal assistance.

Mr. WILLIAMS. Doctor, thank you very much. We appreciate your counsel here this afternoon.

Mr. KAWATACHI. Thank you, sir.

Mr. WILLIAMS. I will ask the next three witnesses to come to the table together, Dr. Stodden, Dr. Anderson, and Dr. Peterson.

Dr. Anderson is educational specialist for the Hawaii Department of Special Education, and Dr. Peterson is also educational specialist with the Hawaii Department of Special Education.

Dr. Peterson, let's begin with you.

STATEMENTS OF DR. DAN ANDERSON, EDUCATIONAL SPECIALIST, HAWAII DEPARTMENT OF SPECIAL EDUCATION, AND DR. JO-ALYCE K. PETERSON, EDUCATIONAL SPECIALIST, HAWAII DEPARTMENT OF SPECIAL EDUCATION

Dr. PETERSON. Mr. Chairman and members of the Subcommittee on Select Education. Thank you for the opportunity to testify before the Subcommittee on Select Education regarding the reauthorization of part C of the Education of the Handicapped Act.

This testimony is divided into three areas: Problems affecting preschool handicapped and at-risk children, ages from birth to 5, and legislative changes recommended; needs of native Hawaiians; and geographical isolation.

The Education of the Handicapped Act defines handicapped children while current regulations refer to an at-risk population which is not defined. It would appear that if States are going to be required to provide some service to at-risk children, then the term "at-risk" needs to be defined.

Funding for the handicapped continues to be a problem in all States. It was helpful that funds were set aside for States to apply for State grants. However, the implementation phase, the final phase, though admirable, may suffer unless more money can be provided to States as incentive to provide services.

For instance, Hawaii is mandated to have available special education and related services for handicapped children ages 3 to 20. What incentive is there to provide at State expense full services to handicapped children ages birth to 3 and at-risk children ages birth to 5.

The original grant facilitator, in our case the Hawaii State Department of Education, should continue to be given preference for the conduct of all grants through the three phases, planning, development, and implementation, for the sake of continuity. In addition, grants should be submitted for the full amount for each phase rather than annually. This would reduce paperwork, time crunches and communication problems.

The child count proposed in Public Law 98-199 will be extremely difficult. Although Hawaii Department of Education has a good working relationship with other agencies, the definitions for who is handicapped, developmentally delayed, and at-risk are inconsistent. Who is counted?

In relation to native Hawaiians, our preliminary discussions with the Office of Hawaiian Affairs, seems to indicate a great need for comprehensive educational services for parents and the family unit. Since there appears to be a disproportionate number of Hawaiian/part-Hawaiian youngsters identified as specific learning disabilities, it is felt that with this early intervention, the possible numbers of at-risk and/or handicapped children will be decreased.

Additional items not specifically covered but of great concern in the immediate future is the least restrictive environment alternatives. If these alternatives must be made available for all children, where will the funds come for nonhandicapped children's participation with the handicapped/at-risks? Some parents consider respite care a related service. Was it the intent of Congress to provide respite services?

Finally, since we are geographically isolated, it appears that we received grant application announcements late and have difficulty meeting the application deadlines. It seems that those of us, States and territories, who are geographically isolated should be given some consideration, such as an additional 2 weeks past the deadline for the Federal Government to receive applications.

These concerns are presented in the hope that resolutions can be made more effectively.

Thank you.

[The prepared statement of Dr. Peterson follows:]

PREPARED STATEMENT OF JO-ALYCE K. PETERSON, ED.D.

Mr Chairman and members of the Subcommittee on Select Education, thank you for the opportunity to testify before the Subcommittee on Select Education regarding the reauthorization of Part C of the Education of the Handicapped Act. This testimony is divided into three (3) areas: problems affecting preschool handicapped and at-risk children (ages) 0-5) and legislative changes recommended; needs of native Hawaiians; and geographical isolation.

The Education of the Handicapped Act defines handicapped children while current regulations refer to an at-risk population which is not defined. It would appear that if states are going to be required to provide some service to at-risk children, then the term "at-risk" needs to be defined.

Funding for the handicapped continues to be a problem in all states. It wass helpful that funds were set aside for states to apply for state grants. However, the implementation phase (the final phase) though admirable, may suffer unless more money can be provided to states as incentive to provide services. For instance, Hawaii is mandated to have available special education and related services for handicapped children ages 3 to 20. What incentive is there to provide at state expense full services to handicapped children ages 0 to 3 and at-risk children ages 0 to 5.

The original grant facilitatior, in our case the Hawaii State Department of Education, should continue to be given preference for the conduct of all grants through the three phases (planning, development and implementation) for the sake of continuity. In addition, grants should be submitted for the full amount for each phase rather than annually. This would reduce paperwork, time crunches and communication problems.

The child count proposed in PL 98-199 will be extremely difficult. Although Hawaii Department of Education has a good working relationship with other agencies, the definitions for who is handicapped (developmentally delayed) and at-risk are inconsistent. Who is counted?

In relation to native Hawaiians, our preliminary discussion with the Office of Hawaiian Affairs, seems to indicate a great need for comprehensive educational services for parents and the family unit. Since there appears to be a disproportionate number of Hawaiian/Part-Hawaiian youngsters identified as Specific Learning Disabilities, it is felt that with this early intervention, the possible numbers of at-risk and/or handicapped children will be decreased.

Additional items not specifically covered but of great concern in the immediate future is the least restrictive environment alternatives. If these alternatives must be made available for all children, where will the funds come for non-handicapped children's participation with the handicapped/at-risks? Some parents consider respite care a related service. Was it the intent of Congress to provide respite services?

Finally, since we are geographically isolated, it appears that we receive grant application announcements late and have difficulty meeting the application deadlines. It seems that those of us (states and territories) who are geographically isolated should be given some consideration, such as an additional two (2) weeks past the deadline for the federal government to receive applications.

These concerns are presented in the hope that resolutions can be made more effectively.

Mr. WILLIAMS. Thank you.

Dr. Anderson.

Dr. ANDERSON. Mr. Chairman, Representative Hayes, I would like to summarize my testimony and then tell you of a meeting I had this morning. I will begin by saying I appreciate the opportunity to come before you today and share with you the fact that it has provided a nice opportunity for me to review my own experiences in special education. As I thought about it, I found out I have been in the business nearly 20 years. As I think back over my involvement in special education, there is some pretty dramatic contrasts between the time I started and our services available today, and much of that is a direct result of Public Law 94-142, and the associated parts of Public Law 94-142.

Most recently, I have been involved in special projects funded either through part C, part D, or part B of Public Law 94-142, and presently involved with two brand new projects here in the State of Hawaii, both funded out of part C and one is a new, innovative project for severely handicapped.

Their intent is to serve severely handicapped youngsters in the least restrictive environment, public schools, and diminish those services being provided in segregated environs or special schools. The other project I am involved with also is funded out of part C and that service is for deaf, blind children and youth. That project is a regional project involving not only the State of Hawaii, but the Trust Territory of American Samoa, and the Commonwealth of the Northern Marianas.

This may seem a little self-serving here, testifying in support of reauthorization and continuation of funds that support special projects, because I am employed by the Department of Education to carry out special projects, but I think not, I think once the funds are available to provide the basic foundation required, we have to turn to program improvement, we have to turn to strengthening leadership, we have to turn to innovation, we have to turn to activities that promote best practices.

These are the kinds of things that come about as a result of the funding of special projects.

Now let me share with you this morning's meeting. Very small amount of moneys are provided through the deaf-blind project for Hawaii. I think if you costed it out it would be approximately $70,000. That will result in the delivery of some direct services for a small group of blind/deaf youngsters, but through that project, that is through the efforts of those involved with that project, I think some tremendous system and organizational change activities are taking place.

This morning I met with a dozen people that included parents of deaf/blind youngsters, educational aids, teachers, a principal, educational officers at the State level, representatives from the Department of Health, the Department of Vocational—Department of Social Services and Housing, Vocational Rehabilitation. Those folks were meeting because of this project, and as good as they are and as interested as they are in the improvement of the quality of services for individuals, including deaf/blind individuals, I am not sure that without projects like the deaf/blind project, there would be an opportunity to develop some of these new and creative and notative programs for agencies to cross their traditional boundaries to seek new ways to improve the quality of services for severely handicapped youngsters; in this case deaf/blind youngsters.

So I am a strong advocate for special projects and I hope those parts of the law that permit special projects, that fund special projects, will be reauthorized.

Thank you.

[The prepared statement of Dr. Dan Anderson follows:]

PREPARED STATEMENT OF DR. DAN ANDERSON

My name is Dan Anderson and I am the director of two new Hawaii State Department of Education projects that serve students who are severely handicapped. My work with children who are severely disabled began in the late 1960's. I have been involved in special education long enough to know what it was like prior to Public Law 94-142 and long enough to understand the importance of reauthorization for all parts of the Education of the Handicapped Act.

Others are commenting on various Parts of the Education of the Handicapped Act. I would like to briefly comment on how Hawaii has used and benefitted from discretionary projects authorized under the Education of Handicapped Act.

Part C of the Education of the Handicapped Act provides small amounts of funds for Innovative Programs for Severely Handicapped Children and Services for Deaf-Blind Children and Youth. As an example, the Hawaii component of the Pacific Basin Regional Project (a multi-state deaf-blind project funded under Part C) represents an annual dollar amount of about $70,000. Yet, as a result of this project's activities and the support of associated technical assistance projects, major service innovations are taking place.

Innovations supported by this Part C funded project affect services to children and the system as a whole. Not only are services improving for children who are deaf-blind but a new effort to improve interagency collaboration has been initiated—an effort that I believe will have implications for a much larger number of individuals who are handicapped.

Another federal project, Assessment and Improvement of Related Services (AIRS), was funded as a cooperative agreement under the State Educational Agency/Federal Evaluation Studies Program and is proving to be most beneficial to Hawaii. The value of this project is in its focus on program evaluation and the utilization of evaluation information. There are however, problems associated with this project which include a very short time table for carrying out project activities (i.e., 18 months) and the fact that the project may not be renewed. Given what we have learned about the utilization of evaluation information, this project, as productive as it has been, could be even more useful if funded for a longer period of time.

Often the only source of discretionary funds to support new and creative approaches for serving severely handicapped individuals and to carry out program evaluation are federal funds. I believe that much of the progress associated with program improvement has been and will continue to be dependent on the availability of federal discretionary funding.

I recognize the fiscal problems which must be addressed and that federal funds cannot be expected to meet all needs. However, I can assure you that project funds provided to Hawaii have made a significant contribution to the quality of services for individuals who have the greatest need.

I strongly support the reauthorization of all Parts of the Education of the Handicapped Act. Of particular value are the funds available through special projects. It is through the special projects that Hawaii is able to promote effective approaches to serving individuals who are severely handicapped and to assess and improve the general quality of special education.

I would like to close by saying that this opportunity to testify regarding the reauthorization of Parts of the Education of the Handicapped Act is most appreciated. Hawaii's distance from the mainland limits such opportunities.

Mr. WILLIAMS. Thank you.

Mr. Hayes.

Mr. HAYES. I guess, in summation, Dr. Anderson, what you are saying, and I am beginning to understand, you already are financially pretty short, approximately $70,000 or so for this program. You need to expand it, is that what you are saying?

Dr. ANDERSON. Sure, I would love to say, hey, send more money——

Mr. HAYES. That is the self-serving aspect of it, you know.

Dr. ANDERSON. I think projects such as the deaf/blind project provide a minimum amount of money to carry out the activities that are necessary for youngsters to develop skills in order to improve their level of functioning. More importantly, these special projects provide an opportunity for the State of Hawaii, for other States and the territories, to build leadership, to improve the quality of services, to implement new novative programs, to try out and develop their own locally appropriate best practices to meet the needs of the youngsters.

So I think the funding of projects is more than the funding of the provision of resources to meet the needs of a few youngsters.

I think it is doubly important to keep those projects going. Again, not only because they serve youngsters but because they provide an opportunity for lots of other creative, innovative things to take place that all result in the improvement of quality of services for handicapped youngsters.

Mr. HAYES. Does this $70,000 include transportation, too?

Dr. ANDERSON. This particular $70,000 is part of the Pacific Deaf/Blind Project that only covers the needs of the folks in Hawaii. There are additional resources earmarked for transportation and for the delivery of services to youngsters in the Trust Territories of American Samoa and the Commonwealth of Northern Marianas and Saipan. That piece of the project, I am guessing now roughly $45,000, does include some transportation, yes.

Mr. HAYES. You then—your position is as part of the Department of Education, is that right?

Dr. ANDERSON. My position is project coordinator for that project, as well as another project under the Hawaii State Department of Education.

Mr. HAYES. Not Federal.

Dr. **Anderson**. No; it is the Hawaii State Department of Education. The Pacific recognized their own limitations and worked cooperatively with the Hawaii State Department of Education, although compared to many of the mainland States, we have limited resources but compared to the Pacific Departments of Education, Hawaii has some real strengths and resources that are shared and used cooperatively.

Mr. **Hayes**. My final question.

What is the number of deaf/blind students that you serve?

Dr. **Anderson**. Here in Hawaii the number is 29. In the rest of the Pacific the numbers are not clear. There is an estimated population of approximately 40. One of the objectives of the project this year is to clarify those numbers and get better assessments on youngsters.

Mr. **Hayes**. Dr. Peterson, you mentioned the fact—you said although the Hawaii Department of Education has a good working relationship with other agencies, the definition for who is handicapped, developmentally delayed and at a risk, are inconsistent. Who is counted? You asked that question. Could you answer it?

Dr. **Peterson**. That is correct. The question becomes one of, for the Department of Education, the definitions are provided through Public Law 94-142 for ages 3 through 20. For ages 0 to 3, the Department of Health provides services to what they call developmentally delayed, so it is unclear whether they would be counted handicapped or would they fall under what we call at risk and the at risk population described in the regulations as a result of Public Law 91-189 is unclear in terms of who is to be accounted for at risk.

Someone on my staff mentioned on the mainland one State said if they are handicapped, they fall under handicapped, if they are not handicapped, they are all at risk. We are not sure that would meet the definition of at risk.

When we are talking about counting these children for funds and reporting of services, we are unclear as to who would fall under these categories when they fall outside the Department of Education, though we are responsibility for reporting those numbers.

So if it is possible to define for us or give us some indication of who these kids are, we would probably be better able to count them and work better with other agencies. Of course, the grant that we currently have, the State planning grant, one of the purposes of that grant is to define that population. Unfortunately, we won't have it defined in time for what the Federal Government has requested.

Mr. **Hayes**. Thank you.

Mr. **Williams**. We met here this morning on the matter of the specifics of vocational rehabilitation legislation, and we talked about the State roles as they are carried out under the mandate of vocational rehabilitation, but we didn't get at a matter which both of you have in part raised. Let me pursue that now, and that is this.

Along with being chairman of this subcommittee on the House Education Committee, I also serve on the House Budget Committee, so each day we face this problem of a growing Federal deficit, and then on this committee I face the problem of how to get more money to provide the services that are needed.

So it is in that realm that I want to direct some questions at you.

Whose responsibility is it to care for Hawaii's children who are at risk? The people in Nebraska, Montana, Idaho, the District of Columbia or the people of Hawaii? If the provision of services for Hawaii's children are the responsibility of all Americans, tell me why. Because, as you know, the administration has required the Congress to evaluate in very serious ways, it may change the future of the Federal-State relationships for many, many decades.

Why are my constituents in Montana responsible for caring for the liability of your children in Hawaii and why do the people in Honolulu have to care for the children in Kalispell, MT.

Dr. **Peterson**. I don't think the State of Hawaii is requesting that. I think the base services for all children are the responsibility of the community. However, in order to provide demonstration, in order to identify, in order to assist the States in identifying what services the children need and providing funds to set up those model projects, the manner in which we might best serve them to me is really the responsibility of the Federal Government to provide assistance.

In terms of providing the actual services once we have identified and set up the programs, I think it is the responsibility of the State, and I don't think that we are asking supplanting of funds but rather supplementing so that we can provide additional services to our children, those known and those yet who are to be defined.

It appears that when the Federal Government passed Public Law 94-142 that they identified for us those children who should get certain services, what services should be and how they should be served.

So I think that the Federal Government, by virtue of promulgating Federal legislation and providing such intricate, for example, individualized education programs, how they should be set up, has in a manner intruded themselves and said: We are telling you these services must be provided, and in order to do that we are providing you the incentive to get started. We have gotten started, we think we have gone a long way.

What I am saying here, and I think what Dan is saying here, is that we need to do more, we need to go farther and in order to do that we are asking the Federal Government provide us funds so that we can set up programs and services and identification for those kids who need services but at this point in time are not aware of or unable to determine who they are.

So from my perspective, as I can't speak for the Department of Education on this, what I am asking for is continue the services, provide us the supplementary funding so we can find these kids, we can provide a State plan, which is basically what we are doing in this area, so we can demonstrate what works well, so the State can in fact document it and implement it as part of their own educational component for handicapped children and at-risk children.

Dr. **Anderson**. I wish I could remember the quote verbatim and the author to give credit, but somewhere along the line there was something to the point society is measured by the degree to which it takes care of its most needy. I think the Nation as a whole has a responsibility to——

Mr. HAYES. I wish a lot of people would remember that point.

Mr. ANDERSON. I believe we all have a responsibility and I think it is important that that is a shared responsibility.

Mr. WILLIAMS. Dr. Peterson, would you have the Federal Government provide any funds to assure ongoing assistance, educational assistance to our handicapped youth, once they have been identified and there has been a model program provided?

Dr. PETERSON. I think supplementary services, again for those after they have been identified to look at improving quality of education and providing that information to others who can hopefully implement that in other areas should continue. But I don't think that any State or community should all Federal funds be taken away, would fall apart.

I think the base services would be there, but I think what you lose in providing the base services is probably the quality of the services and the comprehensiveness of the services that they are currently getting.

In other words, the supplemental services probably would fall by the wayside, because I don't think communities, depending on their economic condition at the time, can absorb all of the things that are currently being provided, realistically.

Mr. WILLIAMS. As I know you both remember, it seems that the two overriding reasons for Federal assistance were, first, to develop the playing field, if we can use the most popular vernacular now, level the playing field for all Americans regardless of their disability or color or fix in life, and second, to try to assist those areas of the country that were not as financially able as other areas to serve their population.

For many lightly populated States, Federal assistance was of tremendous importance. You, of course, have a micro view of this because you have Honolulu and then within your State you have all of these lightly populated islands, which of course need the assistance which is provided by the tax base here from Honolulu.

So you are kind of a micro version of America right here in this State. However, that relationship is being questioned now in Washington, and so whenever I have the opportunity I try to get the opinions such as you both have been kind enough to give us.

We thank you for being here today and offering your testimony. Thank you very much.

Mr. WILLIAMS. Our final panel is the executive director of Alu Like, Inc., Winona Rubin; Trustee of the Kamehameha School, Bishop Estate, Myron Thompson; and Dr. Britt Robillard, University of Hawaii.

Ms. Rubin, why don't we begin with you.

STATEMENTS OF WINONA RUBIN, EXECUTIVE DIRECTOR, ALU LIKE, INC.; MYRON THOMPSON, TRUSTEE, KAMEHAMEHA SCHOOL, BISHOP ESTATE; AND BRITT ROBILLARD, SOCIAL SCIENCE RESEARCH INSTITUTE, UNIVERSITY OF HAWAII AT MANOA

Ms. RUBIN. Thank you, Mr. Chairman. Aloha, Mr. Chairman and members of the Subcommittee on Select Education. Thank you for the opportunity to make this presentation. I am Winona Kealamapuana Ellis Rubin, chief executive officer of Alu Like, Inc., a private, nonprofit, community-based organization. Alu Like administers the Native Hawaiian Program established under title VIII of the Native American Programs Act. It provides the enabling mechanism for promoting the goal of economic and social self-sufficiency for Native Hawaiians.

In our needs assessment of 1974, the Hawaiian community identified major priorities for attention: education, employment, health, housing and others. Alu Like has developed projects in education, employment and mental health in collaboration with Federal, State, and other public and private agencies. As part of our continuing efforts to meet the identified needs of the Native Hawaiian community, Alu Like has investigated the health prolems and conditions in the Hawaiian population and we are now completing a Native Hawaiian Health Needs Study.

Today I will confine my presentation to showing the general health problems and conditions of Native Hawaiians which limit their ability to perform up to their optimum capacity, based on data from this study. I understand others here today will be presenting more detailed statistics on the handicapped.

While collecting data for the Native Hawaiian Health Needs Study, it was found that valid statewide data on the physically handicapped were not readily available for Native Hawaiians. The alternative was to use data from the State Health Survey which show whether or not a specific physical condition was limiting a person's ability to engage in their usual activities. [See table I.] In summary, the findings state that:

Native Hawaiians experience greater activity limitation and restriction of activity due to illness than non-Hawaiians. Hawaiians experience more severe effects of morbidity than do part Hawaiians. Visual impairments, hearing impairments, malignant neoplasms, heart conditions, diabetes, arthritis/rheumatism, and gout are some of the chronic conditions responsible for the severest level of activity limitation among native Hawaiians.

Restricted activity days such as school loss or work loss days and days spent in bed are higher for native Hawaiians than non-Hawaiians. Hawaiians have more work loss and bed days due to illness and part Hawaiians have more school loss days due to illness. The effect of morbidity among native Hawaiians is to prevent or limit their participation on their major daily activities and to restrict their activities by keeping them at home or in bed, thus limiting their productivity and participation in their usual activities.

The kinds of conditions found most commonly among native Hawaiians which are responsible for limitation and restriction of their usual activities might be grouped into four general categories:

those which reflect dietary/nutritional problems, those which reflect lifestyle/environmental problems, those which are due to aging, and those which come from accidents and injuries.

Findings from this study also indicate that there are more social and emotional factors for native Hawaiians which limit their ability to perform up to their optimum capacity. (See Figure I.) For example, in comparison to statewide population estimates, native Hawaiians have:

Higher proportions of social problems such as assaultive acts and antisocial behavior;

Higher proportions of alcohol and narcotics use;

Higher proportions of school performance impairment;

Higher rates of academic failure and poor school performance;

Higher rates of suicide among young adult and elderly males;

Higher rates of child abuse and neglect;

Higher rates of residence in correctional institutions;

Higher levels of stress as indexed by leading stress markers including more poverty, lower educational level, more single-family households, higher dwelling density, and so forth.

This study offers a number of recommendations to address these negative findings, based on a holistic approach involving both native Hawaiian and Western health care models which is also relevant to the rehabilitation of the physically, mentally, and socially handicapped:

That services for the handicapped which are committed to native Hawaiian culture, history, and life styles be developed and promoted.

That professionals rendering services to native Hawaiians handicapped be trained in cultural knowlede, history, and lifestyle.

That health care organizations servicing native Hawaiians handicapped integrate Western and traditional approaches to treatments.

That educational programs with a Hawaiian cultural component focusing on lifestyle change, alcohol abuse, and tobaccco and drug abuse be developed and expanded.

That educational training programs to facilitate the entrance of native Hawaiians into professions for the handicapped be developed.

That providers of health care and health services for the handicapped undertake on a regular basis surveys of native Hawaiian use of their care and services for program evaluation and assessment purposes.

That a survey be conducted on service delivery and options and preferences for handicapped services in the native Hawaiian community.

That there needs to be supported and conducted research to continually assess handicapped problems among native Hawaiians and to study the related risk factors and hazards in the social and physical environments.

I have only highlighted a few of the findings and recommendations from the draft of the native Hawaiian Health Needs Study Report which is being prepared for the U.S. Department of Health and Human Services in response to a request from Congress. As I understand it, when the report is completed, it will be forwarded to the Department of Health and Human Services for transmittal to Congress with its recommendations.

We ask for your support in addressing the significant health concerns of the native Hawaiians. Mahalo (thank you) for the opportunity to make this brief presentation today.

Mr. WILLIAMS. Thank you.

[The prepared statement of Winona Rubin follows:]

PREPARED STATEMENT OF WINONA RUBIN

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TABLE I - ACTIVITY LIMITATION BY COND & ETHNICITY,HAWAII 1980-84

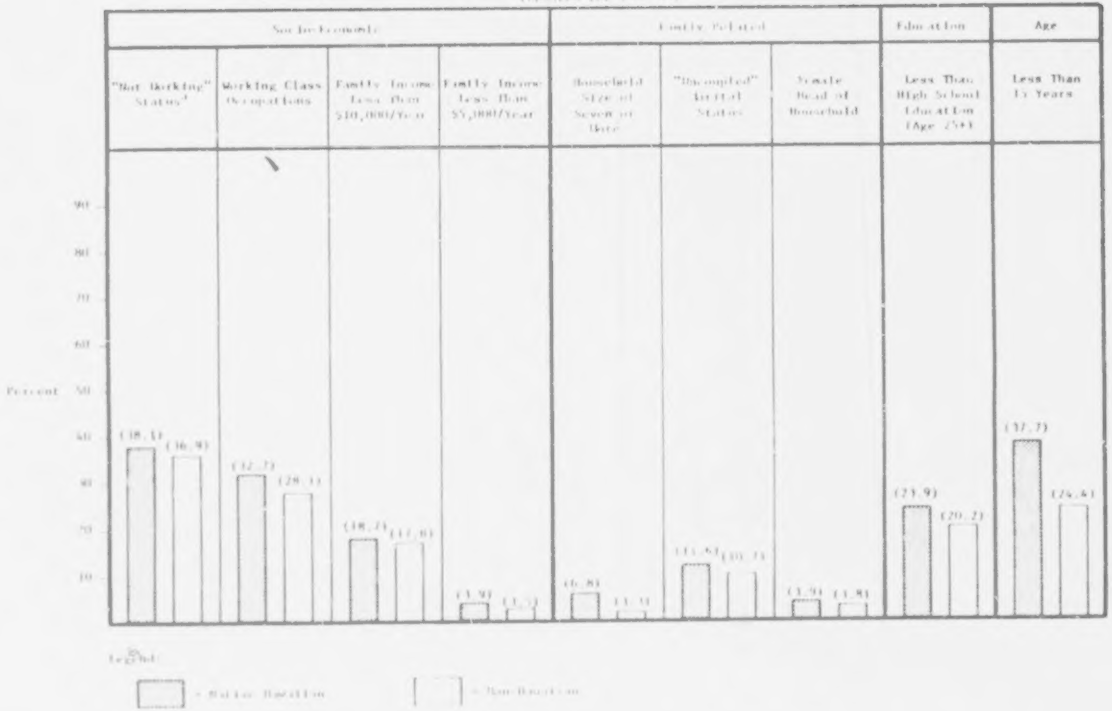
PERCENTAGE UNABLE TO CARRY ON MAJOR ACTIVITY DUE TO CONDITION

CHRONIC CONDITION	TOTAL POPULAT	NATIVE HAW'N	HAW'N	PART HAW'N
ALL CONDITIONS	6.2	6.1	12.3	5.6
HEART CONDITIONS	11.6	10.4	13.5	9.8
IMPAIR OF BACK OR SPINE	4.4	4.9	8.5	4.6
HBP W/O HEART INVOLVMENT	3.5	4.5	0.9	4.9
ARTHRITIS & RHEUMATISM	8.3	12.6	13.6	12.4
HEARING IMPAIRMENTS	6.9	5.4	13.2	4.6
ASTHMA	1.6	1.7	4.9	1.7
DIABETES	7.9	10.6	9.1	10.9
MENTAL & NERV CONDITIONS	11.2	15.6	32.3	14.6
VISUAL IMPAIRMENTS	13.3	14.7	35.6	12.5
MALIGNANT NEOPLASMS	17.1	23.2	44.4	19.1
CHRON & ALLERG SKIN COND	2.2	1.0	0.0	1.0
CHRONIC SINUSITIS	1.4	1.9	7.9	1.8
HAYFEVER W/O ASTHMA	0.9	0.6	0.0	0.6
STOMACH ULCER	5.8	2.2	0.0	2.3
BRONCHITIS, EMPHYSEMA	6.7	4.8	5.9	4.7
BENIGN & UNSPEC NEOPLASM	5.1	5.1	4.6	5.2
HEMORROIDS	2.5	0.9	0.0	1.0
THYROID GOITER	3.7	2.2	0.0	2.4
VARICOSE VEINS	2.9	4.2	14.2	2.5
GOUT	4.7	5.2	13.5	4.2
OTHER	9.5	9.1	21.3	8.4

SOURCE: Health Surveillance Survey, Hawaii State Dept of Health

Figure 1

Selected Stress Indicator Percentages from Kaua'i's Native Hawaiian and Non-Hawaiian Populations (Updated for 1979-81)¹



¹1980 data

Source: Hawaii Health Surveillance System (August 1983)

Mr. WILLIAMS. Mr. Thompson.

Mr. THOMPSON. Good afternoon, Chairman Williams and Mr. Hayes. My name is Myron Thompson. I am a trustee of the Kamehameha Schools, an educational institution established in 1887 for the purpose of educating children of native Hawaiian descent. In 1982 I was asked by Secretary of Education Terrell Bell to chair the Executive Steering Committee for the native Hawaiian Educational Assessment Project. The final report, presented to Congress in 1983, indicated that native Hawaiian students suffer from an across-the-board lack of parity with their peers nationally as well as locally.

The purpose of this testimony is to bring to your committee's attention existing data on the needs of handicapped and at-risk native Hawaiian children and to make specific recommendations about how existing legislation may be amended to enable native Hawaiians to achieve parity.

Briefly, some of the more telling statistics are as follows:

First, Hawaiian students remain overrepresented in special education statistics. Hawaiian children make up 20 percent of the student body in Hawaii's public schools, yet they constitute over 30 percent of those in special education categories. Specifically, they account for:

36.4 percent of the learning disabled;
33.1 percent of the deaf;
30.0 percent of the educably mentally retarded;
30.0 percent of the deaf and blind;
25.9 percent of the profoundly mentally retarded;
24.8 percent of the severely emotionally disturbed; and
24.0 percent of the orthopedically handicapped.

Second, telling statistics indicate potential causes. For example, Hawaiians account for a disproportionate percentage of high-risk births. Hawaiian women are overrepresented in teenage pregnancies and births, illegitimate and premature births, and have the highest rates of births with congenital defects and neonatal deaths of any group in the State.

Hawaiians remain beset by multiple health problems. Hawaiians are the most at-risk group in the State for various forms of cancer and heart disease. Hawaiians' life expectancy is 5 to 10 years shorter than that of other ethnic groups in Hawaii.

Many Hawaiians suffer from a culture loss/stress syndrome. Two centuries of forced culture loss for native Hawaiians may be linked to negative personal health, depression, and poor educational outcomes.

Mr. Chairman, these are severe problems, both in terms of human and economic costs, but in our view, they are solvable. According to the House of Representatives Committee Report on the Education of the Handicapped Act Amendments of 1984, evaluations of early education demonstration programs for the handicapped have been very positive. We, too, believe strongly that early intervention is the key to reducing the overrepresentation of native Hawaiian children in special education categories.

We therefore recommend special consideration in discretionary programs of this type, specially part C, section 623: Early Education for Handicapped Children.

Another discretionary category of the law is part E, section 641: Research in the Education of the Handicapped. This section could assist in investigating the severe overrepresentation of Hawaiians in the special education categories. Such an investigation would significantly contribute to our understanding of the interrelationship between minority status and handicapping conditions generally.

In summary, native Hawaiians currently suffer from a wide array of handicapping conditions which pose a giant barrier to achieving educational parity with other students.

Chairman Williams, I would like to thank you and the other members of your committee for your interest and attention to this matter. I want to assure you that the Kamehameha Schools stand ready to fully participate, along with our sister agencies at the State and local level, in all efforts for the benefit of native Hawaiians. My colleagues and I remain convinced that, through these kinds of joint efforts, native Hawaiians will be completely successful in their efforts to reach parity with their peers nationally.

I will be happy to answer any questions that you may have.

[The prepared statement of Myron Thompson follows:]

Prepared Statement of Myron B. Thompson, Kamehameha Schools/Bishop Estate

Good afternoon Chairman Williams and members of the committee.

My name is Myron Thompson. I am a Trustee of the Kamehameha Schools/Bishop Estate, an educational institution in Honolulu, established in 1887 for the purpose of educating children of Native Hawaiian descent.

Major federal assistance to persons with handicaps has come through the Education for All Handicapped Children Act of 1975 (P.L. 94-142) and subsequent Amendments to the Act. This year, as the U.S. Congress prepares once again to deliberate upon the requirements for re-authorization of this landmark legislation, the needs of Native Hawaiian children should be considered.

An overview of the educational needs of Hawaiian students (the Native Hawaiian Educational Assessment Project—NHEAP) was recently completed and presented by then Secretary of Education Terrel Bell to the United States Congress. The *Final Report* indicated that Native Hawaiian students suffer from an across-the-board lack of parity with their peers nationally. Specifically, the report demonstrated the following major needs:

1. *Standardized achievement needs.*—Hawaiian students score below parity with national norms in reading and math, and they are well below the other ethnic groups in Hawaii.
2. *Special educational needs.*—Native Hawaiians face a wide array of economic, physical, and mental health problems which affect their academic achievement.
3. *Culturally-related academic needs.*—Hawaiians have increasingly become "strangers in their own land" and lost remnants of their values, lifestyle, language, and beliefs. This loss has manifested itself in depression, self-disparagement, and inferior scholastic achievement.

In terms of handicaps, the NHEAP *Final Report* pointed out the overrepresentation of Hawaiian students in the Special Education categories, particularly the category, "Learning Disabled." Other indicators of need include handicapping conditions at birth as well as the presence of risk factors for later development. The purpose of this testimony is to update existing data on the needs of handicapped or at-risk Native Hawaiian children and to make specific recommendations about how existing legislation may be amended to enable native Hawaiians to achieve parity with their peers nationally.

I. HAWAIIAN STUDENTS REMAIN OVERREPRESENTED IN SPECIAL EDUCATION STATISTICS

Table I shows the relevant data for three recent years in the Hawaii's State Department of Education. What is important to note here is that the overrepresentation of Hawaiians has been relatively consistent over time. Table II gives the figures for each of the Special Education categories for the most recent school year. The category, "Learning Disabled" remains the one in which Hawaiian youngsters are *most* overrepresented. By contrast, other ethnic groups such as the Japanese are underrepresented across the board in these categories. In addition, Hawaiians are overrepresented in institutional care for the mentally retarded, accounting for 30% of the population in Waimano Home.

II. HAWAIIANS ACCOUNT FOR A DISPROPORTIONATE PERCENTAGE OF HIGH-RISK BIRTHS

Table III shows that Hawaiian young women aged 11-19 (who account for approximately 25% of that age group) are more likely to become pregnant and to give birth than are young women of other groups. Other data from the State Department of Health confirm that Hawaiian young women are likely to seek prenatal care later in pregnancy than are other women. Over 30% of all premature births in the State are Hawaiian, and over 50% of all illegitimate premature births. Other signs of family stress abound, including disproportionately high rates of child abuse and neglect. The figures documented in the Native Hawaiian Educational Assessment Project (NHEAP) *Final Report* have been substantiated by subsequent data. In a December, 1984 report issued by the State Department of Health (Frequency of Reproductive Dysfunction in Hawaii by Race and Judicial District, 1968-1982), Hawaiian mothers were found to have the highest rates of births with congenital defects (11.4 per 1,000), births under 1501 grams (11.9 per 1,000), and neonatal deaths (10.9 per 1,000).

III. HAWAIIANS REMAIN BEHIND NATIONAL NORMS AND OTHER LOCAL ETHNIC GROUPS IN ACADEMIC ACHIEVEMENT GENERALLY

The NHEAP *Final Report* documented the lack of parity with national norms on standardized tests for all Hawaiian students in the Hawaii DOE. More recent data show that, while progress has been made in some areas, Hawaiians still remain well behind the other major ethnic groups and have not achieved parity with national norms. A particularly acute area of need appears to be early language development. As part of an effort in early prevention of school failure, the DOE tested all kindergarten students in Hawaii on language and visuo-motor skills. The Hawaiian students were slightly behind the other groups on visuo-motor skills, but dramatically behind in language, particularly vocabulary. On the Peabody Picture Vocabulary Test, for example, over 50% of all Hawaiian kindergarteners scored in the first three stanines. The national norm is 23%. This means many Hawaiian students are starting school with a severe language decrement.

IV. HAWAIIANS REMAIN BESET BY MULTIPLE HEALTH PROBLEMS

On most of the severe health indicators, such as various forms of cancer and heart disease, Hawaiians are the most at-risk group in the state. This is perhaps best indicated by the finding that Hawaiians' life expectancy is significantly shorter (69.9 years) than that of other ethnic groups (others average 77.3 years). Hawaiians lung cancer rates, for example, are among the highest in the world and exceed those of all other ethnic groups in Hawaii. In a Department of Health study in 1978, Hawaiians were shown to have the worst overall comparative health of any group in the state.

Proposed solutions

These are severe problems, both in terms of human and economic costs, but they are not irremediable. The key seems to be in prevention. Studies of the long-term outcomes of special preschool programs by High/Scope of Ypsilanti, Michigan (Weber, Foster, & Weikart, 1978) indicate that later special education and grade-level retention for former preschoolers was reduced, more than offsetting the initial costs for the preschool program itself. Longitudinal study of the children of Kaua'i (Werner & Smith, 1977) indicates that for even high risk infants, a supportive and educationally rich home environment is the best predictor of later school success.

Federal dollars already benefit many Hawaiian children through the Department of Education's efforts to serve all handicapped children. These efforts could well be complemented by a two-pronged approach at prevention. The first prong is research. Why a disproportionate number of Hawaiian childen are handicapped needs intensive study, including what effect is played by the stresses associated with the loss of Hawaiian culture over the last two centuries. The second prong is the implementation of effective early education efforts which should include culturally sensitive screening methods and the early involvement of caregivers and communities in the child's developmental process.

Recommended legislative action

Other Native American groups, under the Indian Education Act, have a source of funding for programs aimed specifically at providing special education services for handicapped Native American children. (See Federal Register, Vol. 45, No. 100, May 21, 1980, p. 34167.) Native Hawaiians, being excluded from the Indian Education Act, have as yet no such assistance. Recently, a similar situation in Vocational Education was rectified by the passage of the Carl D. Perkins Vocational Education Act 1984. This act provided funding for Hawaiian Vocational Education proportionate to what was already targeted for other Native American groups. What is recommended here is the amendment of handicapped legislation in like manner.

There are two places in existing legislation (P.L. 94-142) where these proposed solutions to the needs of handicapped native Hawaiian students might be accomplished through appropriate language. The first is Part C, Section 623: Early Education for Handicapped Children. According to the House of Representatives Committee Report on the Education of the Handicapped Act Amendments of 1984, evaluations of demonstration early education programs for the handicapped have been very positive: "[R]andomly selected children in 29 projects demonstrated 1½ to 2 times more progress in the cognitive, motor, personal-social and communication areas than would have been expected without the benefit of project services. Ninety-seven percent of the parents interviewed perceived positive changes in their children which they attributed to the projects." (p. 10). This is exactly the kind of early intervention which might effectively reduce the overrepresentation of native Hawaiian children in the special education categories.

The second discretionary category of P.L. 94-142 which might effectively include specific language for Hawaiians is Part E, Section 641: Research in the Education of the Handicapped. This section might provide the vehicle for investigating the factors underlying the severe overrepresentation of Hawaiians not only in the special education categories, but also in the other health-related high-risk categories. The above-mentioned Committee Report cites the need for research into the special eduation needs "which are unique to children of both handicapped and minority status." (p. 17). A full study of this confluence among native Hawaiians would significantly contribute to our understanding of the interrelationship between minority status and handicapping conditions generally.

These are the two sections of existing legislation which appear to be the most relevant to the identified needs of native Hawaiians and which, through amendment, could significantly reduce inequities which exist between Hawaiians and other Native Americans as well as move Hawaiians closer to educational parity.

Following the precedent set in the Carl D. Perkins Vocational Education Act of 1984, the allotments for each of the set-asides would be ¼ of one percent of the allotments for each Section. The working under each of the sections might also parallel the vocational education legislation:

. . . the Secretary is directed to enter into contracts with organizations primarily serving and representing Hawaiian natives which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this section for the benefit of Hawaiian natives." (Section 103-C)

Further, as in the vocational education legislation, the term "Hawaiian native" means:

"Any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii." (Section 103-B)

Chairman Williams, I would like to thank you and the other members of your committee for your interest and attention to this matter. I want to assure you that the Kamehameha Schools/Bishop Estate stands ready to fully participate, along with our sister agencies at the state and local level, in all efforts for the benefit of Native Hawaiians. My colleagues and I remain convinced that, through these kinds of joint efforts, Native Hawaiians will be completely successful at overcoming their current problems. I will be happy to answer any questions you may have.

REFERENCES

Education of the Handicapped Act Amendments of 1984. U.S. House of Representatives Report No. 98-410, October 6, 1983.

Weber, C.U., Foster, P.W., and Weikart, D.P. An economic analysis of the Ypsilanti Perry Preschool Project. Ypsilanti, Michigan, High/Scope Educational Research Foundation, 1978.

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TABLE 1

HAWAIIAN STUDENTS IN SPECIAL EDUCATION, 1981-1985

	81-82	83-84	84-85
TOTAL NUMBER STUDENTS, DOE	161,467	162,035	163,689
NUMBER HAWAIIAN STUDENTS	33,246	34,076	34,679
PERCENT HAWAIIAN STUDENTS	20.6	21.0	21.2
TOTAL NUMBER, SPECIAL EDUCATION	12,301	12,661	12,212
PERCENT, SPECIAL EDUCATION	7.6	7.8	7.5
NUMBER HAWAIIAN, SPECIAL EDUCATION	3,878	3,978	3,752
PERCENT HAWAIIAN, SPECIAL EDUCATION	31.5	31.4	30.7
NUMBER HAWAIIAN, SPECIFIC LEARNING DISABILITY	2,689	2,702	2,539
PERCENT HAWAIIAN, SPECIFIC LEARNING DISABILITY	36.4	35.4	35.0

TABLE 2 ETHNICITY BY HANDICAP FOR STATE

1984-85

TABLE OF ETHNIC BY HANDICAP

ETHNIC / HANDICAP FREQUENCY	MISSING	PRE	MRT	MRS	MRP	SLD	SED	PS	TOTAL
AMERICAN INDIAN	1	2	0	0	0	29	2	0	41
BLACK	22	25	5	1	0	168	10	1	299
CHINESE	5	20	8	1	3	133	8	1	270
FILIPINO	17	209	64	25	9	1074	50	5	1898
HAWAIIAN	1	23	6	2	2	310	7	1	446
PART-HAWAIIAN	52	155	56	6	11	2229	102	7	3306
JAPANESE	15	63	51	13	8	485	36	7	1042
KOREAN	2	7	6	0	1	56	1	1	119
PORTUGUESE	10	55	22	3	2	546	29	2	776
SPANISH, P. RICA	9	22	5	1	0	313	17	1	464
SAMOAN	8	58	17	3	1	370	4	1	552
WHITE	113	89	50	17	4	1171	103	13	2291
OTHER	21	39	15	4	2	355	21	3	654
INDO-CHINESE	0	8	3	0	0	22	0	0	54
TOTAL	276	775	308	76	43	7261	390	43	12212

ETHNIC / HANDICAP FREQUENCY	BL	HH	DF	OH	SI	OBL	SMH	LI	TOTAL
AMERICAN INDIAN	0	0	1	2	4	0	0	0	41
BLACK	0	4	0	6	51	0	1	5	299
CHINESE	1	2	5	18	56	0	7	2	270
FILIPINO	12	33	21	52	272	0	31	24	1898
HAWAIIAN	0	4	2	9	71	0	4	4	446
PART-HAWAIIAN	4	37	19	57	496	1	42	32	3306
JAPANESE	4	18	12	36	265	2	14	13	1042
KOREAN	1	1	2	7	25	0	5	4	119
PORTUGUESE	1	5	4	14	68	1	8	6	776
SPANISH, P. RICA	1	4	3	9	67	1	6	5	464
SAMOAN	1	9	3	12	56	0	5	4	552
WHITE	4	27	14	65	542	1	37	41	2291
OTHER	3	8	6	19	134	0	15	9	654
INDO-CHINESE	1	1	0	1	17	0	1	0	54
TOTAL	33	153	92	307	2124	6	176	149	12212

Source: Hawaii State Department of Education

TABLE 3

LIVE BIRTHS BY RACE AND AGE OF MOTHER
STATE OF HAWAII, 1983

RACE OF MOTHER		ALL AGES		AGE OF MOTHER IN YEARS										
		NUMBER	PERCENT	< 15	15-17	18-19	20-24	25-29	30-34	35-39	40-44	45-49	OVER 49	UNKNOWN
ALL RACES	NUMBER	19,090	100.0	14	564	1,435	6,187	5,882	3,678	1,168	155	7		
	PERCENT	100.0		.1	3.0	7.5	32.4	30.8	19.3	6.1	.8			
CAUCASIAN		5,942	31.1		95	365	2,047	1,900	1,126	361	48			
HAWAIIAN		152	.8		5	15	54	44	22	9	3			
PART HAWN		4,075	21.3	5	239	547	1,588	1,035	488	146	14	1		
CHINESE		731	3.8		8	17	109	269	246	75	7			
FILIPINO		3,048	16.0	3	111	239	955	927	546	220	42	5		
JAPANESE		2,542	13.3	3	28	96	409	919	851	214	21	1		
PUERTO RCN		174	.9		9	18	72	53	19	2	1			
KOREAN		412	2.2		3	15	82	169	95	43	5			
SAMOAN		518	2.7	2	16	34	215	135	76	36	4			
NEGRO		608	3.2	1	7	41	344	160	49	6				
PORTUGUESE		267	1.4		8	24	112	80	32	10	1			
VIETNAMESE		102	.5		4		19	34	31	13	1			
OTHER		514	2.7		11	24	188	155	97	31	8			
UNKNOWN		5					1	2		2				

ILLEGITIMATE LIVE BIRTHS BY RACE AND AGE OF MOTHER
STATE OF HAWAII, 1983

RACE OF MOTHER		ALL AGES		AGE OF MOTHER IN YEARS										
		NUMBER	RATIO*	< 15	15-17	18-19	20-24	25-29	30-34	35-39	40-44	45-49	OVER 49	UNKNOWN
ALL RACES	NUMBER	3,766	197.3	13	439	746	1,455	696	301	102	13	1		
	RATIO*			928.6	778.4	519.9	235.2	118.3	81.8	87.3	83.9	142.9		
CAUCASIAN		765	128.7		51	106	287	173	105	36	7			
HAWAIIAN		60	394.7		5	13	28	8	4	2				
PART HAWN		1,603	393.4	5	228	365	642	261	80	21	1			
CHINESE		58	79.3		7	10	15	16	6	3	1			
FILIPINO		551	180.8	2	78	133	203	85	38	11	1			
JAPANESE		244	96.0	3	24	52	82	46	26	8	2	1		
PUERTO RCN		53	304.6		7	9	22	13	2					
KOREAN		41	99.5		3	6	7	10	8	7				
SAMOAN		145	279.9	2	13	21	68	28	6	7				
NEGRO		70	115.1	1	4	1	41	19	3	1				
PORTUGUESE		59	221.0		6	15	27	8	2	1				
VIETNAMESE		22	215.7		4		3	5	3	3				
OTHER		94	182.9		9	15	29	20	18	2	1			
UNKNOWN		1	200.0				1							

* NUMBER OF ILLEGITIMATE BIRTHS PER 1000 LIVE BIRTHS IN SPECIFIED GROUP.

Source: State of Hawaii Department of Health

Mr. **Williams**. Thank you, Mr. Thompson.

Dr. Robillard.

Dr. **Robillard**. On behalf of Micronesians, none of whom are here, I will say welaneme.

I thank the committee chair, Congressman Williams, and members of the committee for the opportunity to testify on problems of handicapped young people in the islands of the trust territory. I am Albert B. Robillard, a medical sociologist at the Social Science Research Institute of the University of Hawaii.

I have, and continue to be, engaged in mental health research and training programs in the Marshall Islands, in Ponape, Truk, and Yap, the three being states of the Federated States of Micronesia, and in Palau (Belau).

I have recent experience, as well, in mental health research on Guam and in the Commonwealth of the Northern Marianas. I am also engaged in training mental health personnel in American Samoa.

My remarks today focus upon the Marshalls, the Federated States of Micronesia and Palau. These three entities share a qualitative distinction: Unlike Guam, the Northern Marianas, and American Samoa, they are not American territory.

Perhaps following, in part, from this distinction the Marshalls, FSM, and Palau have different patterns of economic, political, and social development than those found in the American flag territories.

For example, the per capita income in these three areas has been as low as one-tenth, $500 in Truk, of what can be found on Guam. This is far below the approximately $11,000 per capita income found in Hawaii.

Aside from the Kwajalein Missile Range, from which Marshallese are banned, there are no American bases or other significant commercial concerns in the area. While per capita incomes can range as high as over $2,000, Palau, it must be remembered that distribution is highly uneven and, more importantly, that the area is exclusively within a U.S. price market for imported goods and services.

It is from these goods and services that the entirety of the infrastructure of government, trade, and wage labor have been built.

While experiencing the common malady of being low-income societies in a high price market, each of these three island groups also share the attribute of being ascriptive societies, places where access to resources and status are governed by heredity; that is, what island, caste, clan, and family, you are from.

This traditional hierarchical form of resource allocation is much stronger than in the other areas of the American Pacific. Moreover, unlike the case of American Samoa, the power of traditional forms of authority cannot be escaped or, at the least, attenuated through migration to Hawaii or the U.S. mainland.

Hereditary-based stratification composes much of the daily fabric of interaction in Micronesia.

A further differentiating quality of these three island groups is that a substantial amount of people continue to live at least in a semisubsistence economy of gardening and fishing.

While the cash-based economy of imported goods is highly attractive, low-income and skewed distribution make the ever-present hope of purchasing manufactured food, clothing, and housing a dream.

Substantial welfare aid in the form of USDA surplus food and clothing donated by U.S. churches both feed and clothe the unemployed segments of the population, at the same time undermining traditional commitments to farming and fishing and strengthening the desire for manufactured items.

In the context of a relatively low income dominated by traditional hierarchies, high U.S. market prices, and an attraction to Western goods, I have been studying mental health problems of these areas.

These are mental health problems of the young. These are problems of the young because the population is young, median age being 16 years and, because it is the young who have filled up the clinical and legal rosters of trouble.

The problems are chronic and disabling. They most often affect those aged 15 to 25. Males lead females in the statistics, though female problems, particularly suicide, are suddenly on the rise.

The problems are depression, schizophrenia, drug and alcohol abuse, violence, and suicide. Rates of depression or schizophrenia are not dramatically high for the population. However, 75 percent of those who suffer from depression or schizophrenia are young males who have either been to high school or college in places outside of Micronesia or who have had employment overseas.

I interviewed only one female in this group, and she was a high school student who had left her outer island home to attend high school in the district center of Truk, on the island of Moen.

Of the 75 percent of the patients who have been overseas, most experienced psychological difficulties within the first year of return. All are cared for on an outpatient basis. They receive medical or drug therapy.

There are no training or educational programs targeted to this population. The objective has been limited to medical management of socially disruptive behavior. Such management is available only in the district centers.

In the remote islands, ropes and chains are still used to quell disruptive individuals. I know of one male and two young females who were restrained for up to 2 years by ropes or chains.

Each island group usually has 5 to 15 actively psychotic patients and a similar number of clinically diagnosed depressed patients.

The problem of drug abuse has until recently been limited to marijuana smoking, a habit reportedly introduced by members of U.S. military civil action teams. The individuals involved are young and male, 14 to 17.

The amount of smoking has been heavy, frequently leading to marijuana psychosis.

Heroin has made a recent appearance. Palau has reportedly become a transshipment point for Thai originated drugs. Some of it has surfaced in Palau.

The amount of alcohol consumed in the trust territory is legendary. It must be remembered that alcoholic drinks, not even palm wine or tuba, are indigenous to the area. Again, drinking is primarily a male activity.

Boys begin drinking at age five. Public drunkenness is a common sight, either on the main streets of Majuro or in the semiabandoned traditional men's houses in Yap, where people drink to get and stay drunk. In large male drinking parties, particularly among outer islanders, young boys can be commonly seen to be drunk to the point of stupor and sickness.

Organized gang violence by young teenaged boys, 13 to 16, is increasingly prevalent, leaving several homicides a year and the charred hulks of burned cars and trucks as reminders of the danger of driving at night, particularly in Yap.

Suicide is the problem which has received the most international attention. The combined suicide rate of the Marshalls, FSM, and Palau is the world's highest, at 118 per 100,000. The next highest rate is Hungary, which is 30 per 100,000. The U.S. rate is around 12.

Suicide is almost entirely a phenomenon of the 15- to 30-year-old group. When males in this group is used as the population for calculating suicide rates, the figure exceeds 200 per 100,000.

Suicides appear to be most prevalent among those young men whose residence is at the fringe or margin of where the district center population mass ends and the more semisubsistence and traditional forms of life begin. Suicide is called a periurban phenomenon in Micronesia.

These problems are not new, they have been reported on CBS, in the New York Times over and over again as recently as last year. They have brought the attention of 11 mental health training programs in Micronesia to the tune of $580,000.

They have brought untold number of conferences and at least four American psychiatrists have been assigned to Micronesia, none of which knew the Micronesian language, but practiced there up to 3 years.

The rate of increase in the problems have remained unchanged. Individuals are treated but new patients more than replace them.

Established patients continue on the rosters for years of chronic disablement. Mental health and medical personnel seem befuddled about the basic cause of youth problems. The reaction is that more training and service personnel are needed, even when it cannot be demonstrated that these very same interventions have had any impact in prior use in Micronesia.

More and more money is allocated to training mental health workers and little, if any, funding is given to support the study of the social institutions and changed which are creating and reproducing, on an ever wider front, individuals with mental health problems, even premature death by suicide, for the young people of Micronesia.

In the face of a failure to counter these problems with the existing clinical arsenal, it is not good enough to say that rapid social change is causing these problems. We must be able to pinpoint the significant social transformations involved, locating the organization of pathological outcomes and devising alternative or preventive social measures.

We are getting nowhere with the current exclusive reliance upon treating patients, as needed as this work may be. I call for modest funding of research on the relationship between recent social institutional change in Micronesia and the health of young people.

Pressing and unresearched questions for Micronesia are: What will be the impact of the large capital improvement budgets in each of the Compacts of Free Association, the increased monetization of the economies, the presence of large numbers of foreigners, Filipino and Chinese construction skilled and semi-skilled workers, upon young men in and graduating from high school? Will there be a vocational place for them, or will they be replaced by overseas workers as is currently happening?

Will U.S. aid be creating the marginalization of Micronesia's young men?

Thank you for giving me this opportunity.

[The prepared statement of Albert B. Robillard follows:]

PREPARED STATEMENT OF ALBERT B. ROBILLARD, PH.D., SOCIAL SCIENCE RESEARCH INSTITUTE, UNIVERSITY OF HAWAII

I thank the Committee Chair, Congressman Williams, and members of the Committee for the opportunity to testify on problems of handicapped young people in the islands of the Trust Territory. I am Albert B. Robillard, a medical sociologist at the Social Science Research Institute of the University of Hawaii. I have, and continue to be, engaged in mental health research and training programs in the Marshall Islands, in Ponape, Truk and Yap (the three being States of the Federated States of Micronesia), and in Palau (Belau). I have recent experience, as well, in mental health research on Guam and in the Commonwealth of the Northern Marianas. I am also engaged in training mental health personnel in American Samoa.

My remarks today focus upon the Marshalls, the Federated States of Micronesia and Palau. These three entities share a qualitative distinction: unlike Guam, the Northern Marianas and American Samoa, they are not American territory. Perhaps following, in part, for this distinction the Marshalls, FSM and Palau have different patterns of economic, political and social development than those found in the American flag territories. For example, the per capita income in these three areas has been as low as one tenth ($500.00 in Truk) of what can be found on Guam. This is far below the approximately $11,000 per capita income found in Hawaii. Aside from the Kwajalein Missile Range, from which Marshallese are banned, there are no American bases or other significant commerical concerns in the area. While per capita incomes can range as high as over two thousand dollars (Palau), it must be remembered that distribution is highly uneven and, more importantly, that the area is exclusively within a U.S. price market for imported goods and services. It is from these goods and services that the entirety of the infrastructure of government, trade and wage labor have been built.

While experiencing the common malady of being low income societies in a high price market, each of these island groups also share the attribute of being ascriptive societies, places where access to resources and status are governed by heredity: that is, what island, caste, clan and family you are from. This traditional heirarchical form of resource allocation is much stronger than in the other areas of the American Paicific. Moreover, unlike the case of American Samoa, the power of traditional forms of authority cannot be escaped or, at the least, attenuated through migration to Hawaii or the U.S. Mainland. Hereditary—based stratification composes much of the daily fabric of interaction in Micronesia. It greatly affects participation in—no less than control over resources—the growing web of western occupations and trade in the islands.

A further differentiating quality of these three island groups is that a substantial amount of people continue to live at least in a semi-subsistence economy of gardening and fishing. While the cash-based economy of imported goods is highly attractive, low income and skewed distribution make the ever present hope of purchasing manufactured food, clothing and housing a dream. Substantial welfare aid in the form of USDA surplus food and clothing donated by U.S. churches both feed and clothe the unemployed segments of the population, at the same time undermining traditional commitments to farming and fishing and strengthening the desire for manufactured items.

In the context of a relatively low income (almost entirely from U.S. assistance), dominated by traditional hierarchies, high U.S. market prices, and an attraction to western goods and services—hastened, no less, by U.S. assistance—I have been studying mental health problems of these areas. These are mental health problems of the young. These are problems of the young because the population is young, median age being 16 years and, because it is the young who have filled up the clinical and legal rosters of trouble.

The problems are chronic and disabling. They most often affect those aged 15 to 25. Males lead females in the statistics, though female problems, particularly suicide, are suddenly on the rise.

The problems are depressing, schizophrenia, drug and alcohol abuse, violence and suicide. Rates of depression and schizophrenia are not dramatically high for the population. However, 75% of those who suffer from depression or schizophrenia are young males who have either been to high school or college in places outside of Micronesia or who have had employment overseas. I interviewed only one female in this group and she was a high school student who had left her outer island home to attend high school in the district center of Truk, on the island of Moen. Of the 75 percent of the patients who have been overseas, most experienced psychological difficulties within the first year of return. All are cared for on an outpatient basis. They receive medical or drug therapy. There are no training or educational programs targeted to this population. The objective has been limited to medical management of socially disruptive behavior. Such management is available only in the district centers. In the remote islands, ropes and chains are still used to quell disruptive individuals. I know of one male and two young females who were restrained for up to two years by ropes or chains. Each island group usually have five to fifteen actively psychotic patients and a similar number of clinically diagnosed depressed patients.

The problem of drug abuse has until recently been limited to marijuana smoking, a habit reportedly introduced by members of U.S. military civil action teams. The individuals involved are young and male, the ages of 14 to 17 seem to be the most heavily involved. The amount of smoking has been heavy, frequently leading, according to Pauline Langsley, FSM psychiatrist, to psychosis. The smoking is highly compatible with the practice of young men gathering in the bush in the evening.

Heroin has made a recent appearence. Palau has reportedly become a transshipment point for Thai originated drugs. Some of it has surfaced in Palau.

The amount of alcohol consumed in the Trust Territory is legendary. It must be remembered that alcoholic drinks, not even palm wine or Tuba, are indigenous to the area. Again, drinking is primarily a male activity. Boys begin drinking at age five. Public drunkenness is a common sight, either on the main streets of Majuro or in the semi-abandoned traditional men's houses in Yap, where people drink to get and stay drunk. In large male drinking parties, particularly among outer islanders, young boys can be commonly seen to be drunk to the point of stupor and sickness.

Organized gang violence by young teen-aged boys, 13 to 16, is increasingly prevalent, leaving several homicides a year and the charred hulks of burned cars and trucks as reminders of the danger of driving at night, particularly in Yap.

Suicide is the problem which has received the most international attention. The combined suicide rate of the Marshalls, FSM and Palau is the world's highest, at 118 per hundred thousand. The U.S. rate is around 12. Suicide is almost entirely a phenomenon of the 15 to 30 year old group. When males in this group is used as the population for calculating suicide rates, the figure exceeds 200 per 100,000.

Suicides appear to be most prevalent among those young men whose residence is at the fringe or margin of where the district center population mass ends and the more semi-subsistence and traditional forms of life begin. Micronesian suicide is called a "peri-urban" phenomenon, afflicting those attracted to, but not materially part, of the cash-based western style of life practiced in the district centers.

These problems are not new. They have been reported in the New York Times. They have brought the attention of eleven mental health training programs, untold number of conferences and at least four American psychiatrists, none of whom knew or learned the languages of Micronesia. The rate of increase in the problems have remained unchanged. Individuals are treated but new patients more than replace them. Established patients continue on the rosters for years of chronic disablement. Mental health and medical personnel seem befuddled about the basic cause of youth problems. The reaction is that more training and service personnel are needed, even when it cannot be demonstrated that these very same interventions have had any impact in prior use in Micronesia. More and more money is allocated to training mental health workers and little if any funding is given to support the study of the social institutions and changes which are creating and reproducing, on an ever wider front, individuals with mental health problems, even premature death by suicide, for the young people of Micronesia. In the face of a failure to counter these problems with the existing clinical arsenal, it is not good enough to say that rapid social change is causing these problems. We must be able to pinpoint the significant social transformations involved, locating the organization of pathological outcomes and devising alternative or preventive social measures.

We are getting nowhere with the current exclusive reliance upon treating patients, as needed as this work may be. I call for modest funding of research on the relationship between recent social institutional change in Micronesia and the health of young people. Pressing and unresearched questions for Micronesia are—What will be the impact of the large capital improvement budgets in each of the Compacts of Free Association, the increased monetization of the economies, the presence of large numbers of foreigners (Filipino and Chinese construction skilled and semiskilled workers) upon young men in and graduating from high school? Will there be a vocational place for them? Will U.S. aid be creating the marginalization of Micronesian young men?

Thank you for giving me the opportunity to give this brief presentation.

Mr. WILLIAMS. Dr. Robillard, you have outlined a rather grim view of an area with which you are familiar. I am not familiar with it other than having seen or read some of the accounts which you mentioned in your testimony.

The picture you give us is that widespread across all of the population groups?

Dr. ROBILLARD. Yes, in the area where the missile range is particularly. It is very, very prevalent in Ponape, Yap, less prevalent in the far outer islands such as Apullawat, Santawal, where the traditional life forms are still prevailing, but breaking down nevertheless, anyway.

It is in the district centers and adjacent, not only in Micronesia but American Samoa, the problems exist. I admit that the story looks grim. It looks like what happens on the movie screen at Road Warriors, but it is grim, and my analysis, I think is pretty comprehensive with those people working in the area.

Mr. WILLIAMS. What is the population of this——

Dr. ROBILLARD. 125,000.

Mr. WILLIAMS. The average age is what, again?

Dr. ROBILLARD. Sixteen.

Mr. WILLIAMS. Are young people completing significant education?

Dr. ROBILLARD. Yes, almost everybody graduates from high school. At least 50 percent of those who graduate from high school go on to Micronesia Community College or college in Hawaii. That is part of the problem. We have done nothing for preparing these kids in leaving Micronesia and, in particular, the reentry problem.

Almost every schizophrenic patient, and I have interviewed every one of them in Micronesia, has been to Hawaii Pacific College, Fresno State College, University of Hawaii, Hawaii Aloha. They have a hard time in coming back.

We have done nothing to prepare them whatsoever.

Mr. WILLIAMS. Are the teachers and counselors equipped by both research and skill to properly prepare the students for both the exit and the return?

Dr. ROBILLARD. Other than a Jesuit school called Savior in Truk, no, there are no programs. Savior High School, located in Truk, which funnels its children through Jesuit schools is equipped and has done a fine job.

Almost every ranking public official is a graduate of Savior.

Mr. **Williams**. Has there been a significant increase in suicides among the young?

Dr. **Robillard**. Yes, it is continuing to go up.

Mr. **Williams**. Is it epidemic? Whatever the definition——

Dr. **Robillard**. Yes, CDC defines it as a suicide epidemic.

Mr. **Williams**. That is among teenagers?

Dr. **Robillard**. Teenagers. It used to be exclusively males, but now females as well.

Mr. **Williams**. At what age do those suicides begin in significant numbers?

Dr. **Robillard**. As young as 12.

Mr. **Williams**. At what age do you begin to see fewer suicides?

Dr. **Robillard**. After 25.

Mr. **Williams**. Why is that? Why are young people doing that?

Dr. **Robillard**. Why are young people doing it? There is a lot of hypotheses about it. And two people have been researching it quite a bit, in addition to myself. There are cultural predispositions to suicide. There is a Truk word, "oonma," which means to get even.

But suicide rates before the 1958-59 era were very low and in line with the traditional of history of suicide in that part of the world. There has been since a tremendous push of American development in the early sixties under the Kennedy administration that the suicide has really gone up very, very markedly, and continues to rise very rapidly.

But there is no program of dealing with it at all. I might say in the 11 mental health training programs, there has been no content dealing with suicide prevention today.

Mr. **Williams**. You suggested more and better research. What can be done now while we are waiting for the research? Surely, we must know enough about what applications would be beneficial to do more of what we are doing or starting things that need to be done?

Dr. **Robillard**. I think we need to get some first-class suicidologists from some of the leading universities on the mainland.

Mr. **Williams**. Where do we find people who speak the language?

Dr. **Robillard**. That is very difficult. You have to spend at least 5 years there to begin to understand. There are anthropologists and Micronesians themselves who are quite literate and who could help us in this effort.

There are Micronesians at the University of Hawaii, there are graduate students with Ph.D.s, using the indigenous population is the only way to go, because you have to have natural language competence to be able to deal with the problem, but something has got to be done in the elementary and high schools, and nothing is being done today.

The elementary and high school curriculums are just lifted wholesale from the U.S. academic curriculums and plopped down into the middle of the Pacific. This was first noticed in Nimms book on the American touch of Micronesia published in 1974.

It hasn't changed a witness since.

Mr. **Williams**. Who operates the school?

Dr. ROBILLARD. The Department of the Interior.

Mr. WILLIAMS. I assume there is ongoing dialog about this problem with the Department. I remember Phil Burton talking to us, former Congressman, who dealt so closely with that area, talking to us about it before Phil died for a number of years, so I know there has been a dialogue, but has it been heightened in the recent past?

Are applications being made for assistance?

Dr. ROBILLARD. The amount of money available for assistance has actually decreased recently. Through the efforts of Senator Inouye and his office, we have been successful in getting some from the Institute of Mental Health, but nothing to deal with the school system itself, it has been basically research and training is kind of a no-no now under the current administration.

We are just kind of hovering around the problem. I have to say that suicide has not been a popular topic among the political leadership in Micronesia and it is only in the last couple of years that they have pushed very hard about this problem itself.

At first, it was called a problem of Western social scientists who counted up the numbers and made their careers out of that, and when it started striking some of the legislators and leading families, it then became a problem that was going to be pushed very, very extensively.

There are two people, Dr. Donald Rubenstein and Francis Heisel, a Jesuit priest, who are studying suicide right now on the island which has the highest suicide rate, Uman, which the suicide rate there for teenaged boys 11 through 20 is something like 10 per 100,000, and there is not a family in that area that has not had a suicide.

Mr. WILLIAMS. Miss Rubin and Mr. Thompson, you both described the difficulties natives have experienced, and I think it was you, Mr. Thompson, who mentioned the similarity with some of the American Indian problem.

I represent the western half of Montana and have two Indian reservations located within that district, and indeed, some of the problems that both of you recounted sound very familiar to me.

You mentioned the longevity difficulties the natives have apparently and susceptibility to diseases and need for special education; all of those things and others of course, natives suffer much higher percentages than do other people.

The question before us, and you, has always been why. Do you have any ideas? We can count the problems, too, but we don't know why.

Dr. ROBILLARD. Part of the information we hope, and this health study might be helpful in finding some solution to the problems, identifying those areas, but not enough information is still available for us.

I think there are a variety of reasons, but Mr. Thompson mentioned one key area. That is stress. And I think that is over and beyond the physical medical kinds of information that we have on problems of the Hawaiians, the area of stress and emotional upheaval over a period of time, and changes in the family lifestyle have a major impact, I believe, on the general health and longevity of the Hawaiian in Hawaii.

Mr. **Thompson**. I would like to expand on that point. And I would like to Dr. Peterson's point I think the whys need to be found in the early growth period of the infant, even during pregnancy.

I think it applies not just to Hawaiians or Native Americans, but I think it applies to other people of the United States, and a commitment needs to be made in the area of early education and getting into the area of prenatal care and that kind of thing.

I don't know where else you can look for the whys. They are there. There is enough research to point out to us now that if you concentrate the long-term returns are much better than if you wait to a later time, there is no question about this.

I want to relate one other point, and it is—I have been dealing with a group of Polynesians from New Zealand, and about 5 years ago, I sat down with a group of leaders, there were 14 of them in the room, all gray-haired, obviously all grandparents.

And they are part of what they call the Bureau of Maori Affairs, and at that time those gentlemen made a commitment to create 50 day care centers within a year. That was 5 years ago. Today they have over 500 day care centers for infants and mothers under prenatal care.

It is that kind of commitment that needs to take place somewhere, and this is what we are recommending for the Nation as a whole, not just us.

Mr. **Williams**. Mr. Hayes.

Mr. **Hayes**. Well, I tell you, maybe I can adjust the focus as to what we are faced with as members of this committee. As you have said before, you are chairman of this Subcommittee on Select Education, but at the same time, you are a member of a Budget Committee, struggling and grappling with the problem of how we can reduce this huge deficit. I come from a district that is poverty-stricken, roughly 500,000 people-plus, 520,000 to be exact, 92 percent of them are black, unemployment ranks somewhere around 17 percent in the whole district, better than 50 percent of the youth in that district are unemployed with no prospect as to where to find a job, the dropout ratio among high school students is almost 50 percent.

I will probably get slaughtered in my own district if I would start talking about an island such as the one you talked about—I am not being unsympathetic, I am just trying to be honest and set it out, so you understand the kind of problem we are faced with here.

Micronesia, you know, who has ever heard of it, so to speak? And the question will arise. Here we are trying to reduce the deficit and you are talking about drugs in Micronesia and a suicide rate. It didn't used to be a problem so much among blacks.

We might try to leap out a basement window, but never hardly higher than that. But it is increasing.

Now, I just want to say what is the—I say this to you, Dr. Robillard, what did you say the population was?

Dr. **Robillard**. 125,000.

Mr. **Hayes**. What is the life expectancy?

Dr. **Robillard**. Life expectancy is 62.

Mr. **Hayes**. What is the standard of living?

Dr. **Robillard**. Pretty low.

Mr. **Hayes**. How do they survive?

Dr. **Robillard**. USDA surplus food, like canned tuna fish, cheese; also food from many church groups in the United States; also local fishing and farming, but an awful lot of hand-out from United States, which has been well intentioned, but often has undermined the commitment and skill level in farming and fishing.

As a matter of fact, when you go to some of the islands and you order fish in a restaurant, what you will get is a can of Starkist tuna fish dumped on your plate upside down rather than fresh fish, which are being fished extensively by commercial companies right off shore.

Mr. **Hayes**. How do you account for the high incidence of drugs and alcohol in this kind of setting? Where does it come from?

Dr. **Robillard**. The marijuana is locally grown. The alcohol comes from Budweiser in Los Angeles. It is supposed to have the highest per capita Budweiser consumption of any place in the world.

But there is nothing for young men to look forward to or to do. There are no jobs or no hope of having jobs, and what jobs do exist are episodic project jobs funded by the United States, and the money is used to hire overseas, usually low-wage Chinese labor, even People's Republic like labor, or Taiwanese labor.

The local people are not educated for or paid in these jobs and, as a result, are really in a state of structural poverty.

Mr. **Hayes**. What is the reason for our presence? Is there a military base up there?

Dr. **Robillard**. It depends which island groups you are talking about. It is a strategic area, particularly Palau in the western part, and we are maintaining denial rights in the Compacts of Free Association.

Mr. **Hayes**. All right. I just—no, I am very sympathetic about it. I have been informed as to the magnitude of the problem, but I don't want to be dishonest.

Given the kind of a situation that exists on Capitol Hill today, this whole push toward a balanced budget, reduce the deficit, I don't know how much we are going to be able to change things through legislation we could get support for.

Currently, as I understand you, Ms. Rubin, you represent a private institution, publicly funded——

Ms. **Rubin**. Funded from a variety of sources including public funds. We are in partnership.

Mr. **Hayes**. How many of those public funds come from the Federal Government?

Ms. **Rubin**. About 90 percent of them.

Mr. **Hayes**. You can't stand any reduction.

Ms. **Rubin**. We have had reductions.

Mr. **Hayes**. You can't stand any more reductions. Thank you now.

Mr. **Williams**. The reality of the difficulties in the areas which the three of you represent have been brought home very dramatically to this subcommittee as they have been brought home to other committees that have met both here, although I know not many have met here, and in Washington.

Solutions are not easily arrived at, and as my colleague has pointed out, the rising budget deficit drives us to find solutions in ways that do not only impact upon the Federal deficit, there are unique and innovative ways, particularly through appropriate research, getting baseline data, ways that we might do a much better job than we have done with native people throughout all of America's areas of interest, including those which you represent.

I think the commitment of the Congress is clear to continue to try. They haven't done well enough in the past.

Charlie Hayes is right; we are not going to spend significantly increased amounts of money in the near future in trying to resolve the problems, but I do think the majority of the Members of Congress, both House and Senate, are committed to try to do what we can to make life better for people within America's sphere of influence.

We appreciate all of you being here and sharing your good counsel with us. Thank you very much.

This hearing is adjourned.

[Whereupon, at 2:50 p.m., the subcommittee adjourned.]

[Additional material submitted for the record follows:]

PREPARED STATEMENT OF IVALEE SINCLAIR, EXECUTIVE DIRECTOR, HACLD

My name is Ivalee Sinclair. I serve as the Executive Director of HACLD and have been a member of the board of directors of ARC-Hawaii for the past four (4) years. In my capacity as Executive Director of HACLD, I provide lay advocacy services for the parents of learning disabled students in Hawaii. In more recent months HACLD assisted an increasing number of families whose handicapped children are representative of the total scope of handicapped as determined by PL94-142 and State of Hawaii criteria. Our monthly caseload averages 50-60. Additionally, we provide workshops on PL94-142 particularly on neighbor islands where advocacy services are not well established. Our testimony is based on ten (10) years of field experience working with parents of handicapped. We are grateful for this opportunity to present our views on current and future problems affecting handicapped children and youth in Hawaii.

In the ten years since this historic legislation was passed, remarkable strides have occurred, yet much remains to be done. At the crux of all legislation is the matter of sufficient funding to do the job demanded. The increasing federal deficit combined with efforts to balance the budget, makes us fearful that federal support is in grave danger. This will markedly impact on Hawaii's handicapped population in the future more than it ever has in the past. This past fiscal year funds for current level of services were cut by the Governor and partially reestablished by the Hawaii legislature even though the numbers being serviced were not significantly different. The immediate impact felt is as follows:

1. *Class sizes.*—Already at more than an effective pupil-teacher ratio, classes are filled beyond maximum capacity. This is particularly noticeable as children are identified and placed in the spring and fall when additional positions are not provided. In our view, this means that children in need of intensive sevices are not able to receive these services and cannot help but contribute to their lack of progress as evidenced by the three year evaluations. It should be noted that Hawaii's staffing allocation document has not been altered since 1975. Pupil-teacher ratios for special education have not been changed to reflect added teacher time in writing I.E.P.'s and coordination of other activities.

2. *Requests for rule 49 hearings.*—Hearing requests are greater than they have been since the 1979-80 school year. Mediation is less successful.

3. *Eligibility criteria.*—Reviewed and amended in the past, eligibility criteria have directly impacted on the numbers of children being serviced. Statistical reports to the Office of Special Education and Rehabilitation Services are attached. In Hawaii, the reduction of the mentally retarded is quite noticeable and the very small number of children being serviced as emotionally handicapped is particularly striking. The teams seem to be excluding "alienated" youth rather than determining if

they are also emotionally handicapped as provided by the regulations. Clarification or restatement of this section would be helpful in Hawaii.

4. *Inappropriate education.*—Low incidence populations are being serviced inappropriately by:

a. mixing these students with other special education students whose needs are not compatible,

b. placing these students with teachers who are not trained in the appropriate methods and interventions needed to meet the child's needs,

c. not providing technical assistance to the field in areas where Hawaii lacks expertise.

5. *Residential services.*—There is a lack of appropriate long term residential programs in Hawaii including:

a. sufficient community-based residential settings as opposed to institutional type care,

b. sufficient psychiatric residential services.

Respite has been provided in due process as a viable alternative to institutionalization. There are no interstate agreements for the low incidence populations such as aphasia, deaf/blind, or for the large numbers of emotionally handicapped or adjudicated handicapped juveniles who are incarcerated for lack of any other secure facility.

6. *Related services.*—Services such as occupational therapy and physical therapy have been curtailed due to budget cuts. Speech services are critically lacking due to lack of qualified personnel in Hawaii. Workloads are maximum and great distances in travel time on neighbor islands also contribute to the problems.

7. *Individual Education Programs.*—I.E.P.'s are being written with global statements which are not measurable. We believe this to be due, in part to:

a. extensive workload of the teacher,

b. lack of sufficient training in writing goals and objectives as well as training in data collection or other measurements,

c. added duties of support to mainstream student/tutorials which are not reflected in the workload.

In our state, the I.E.P.'s are written on the anniversary date. For secondary students whose classes change in the fall of each year, this poses a problem. Clarification of the intent of the federal Congress regarding the timing of the annual I.E.P. meeting could facilitate the meetings at the beginning of the school year. We recognize that this is possible under the present regulations, but is not well understood in the field in Hawaii. Restatement and clarification of intent would be helpful.

8. *Placement.*—Placement of children in regular education classes is hampered in Hawaii by the lack of sufficient support by special education to the regular education teacher. The special education teacher, who carries a maximum workload, must also serve as the coordinator and support person to the regular teacher. This means that special education students who could function effectively in regular education classes are precluded from this option because there is insufficient support to the teacher in meeting the needs of special education students. This impacts on the appropriateness of placing the handicapped student in a regular education class. Funds for services could:

a. Increase the regular education teacher's capability of coping with special education students in regular education classes,

b. Enable the regular education teacher to better serve the student who is at risk,

c. Enable the special education student to be given content material that is age appropriate, but adapted to his unique needs while being with non-handicapped students.

It is our belief that this has been and is the intent of Congress when it defined the least restrictive environment as "(2) make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placements." If this is not correct, clarification of this section would be most helpful.

9. *Interagency services.*—Interagency agreements have not been particularly effective and are limited in their scope. For instance, the agreement between DOE/DSSH covers DVR services only. Children in foster care, C.P.S. and other DSSH services are often bounced back and forth between agencies with no one agency accepting the responsibility. Funding limitation are attached to legislation which affects health related services (OT, PT, speech and language development therapy, psychological counseling, etc.). When DOH does not have the funds, DOE must provide the added hours of services needed. This results in splintered and sometimes poorly coordinated services. We fully support the single line of authority mandate in

PL 94-142. We urge a reiteration of this section so that current practices are not continued.

10. *Monitoring.*—On site federal monitoring should occur more frequently. Hawaii's first on site visit by OSERS staff occurred this past fall. No neighbor island visits occurred. In 1980, after the federal monitoring occurred, changes in our educational services were immediately affected by appropriate delivery of transportation services and the development of a surrogate parent program which had not existed previously. The small amount of information we have about the standards set for future monitoring by OSERS would appear to be more demanding and designed to collect specific data. It that is true, we certainly support that direction.

Better monitoring is essential. Local monitoring is not designed to determine if the child is benefiting from the special education program. Many administrators have no idea of the curriculum, progress, etc. offered in the individual classes in which handicapped children are placed.

The role of the Special Education Advisory Committee in monitoring the delivery of special education services is some what unclear. In Hawaii monitoring is done by D.O.E. Reports are given to the members of the SEAC, but no independent information is obtained. If the members do not bring areas of unmet or inappropriately serviced students to the attention of the SEAC, there is no vehicle for really knowing what the unmet needs are. Additionally, in Hawaii, this is especially critical since the SEAC is responsible for overseeing the Silva Consent Decree. If actual on site visitation and the gathering of additional data is not conducted, the SEAC is not meeting its monitoring responsibility under the Silva Consent Decree. Any clarification regarding this area would be most helpful.

Essential data necessary to support our position that a large number of special education students will be tax contributing citizens is critical if we are to compete for dwindling federal and state dollars. Congressional intent in this area is critical.

11. *Attorney's fees.*—We urge the inclusion of the Handicapped Children's Protection Act of 1985 as an integral part of PL 94-142. A single impartial hearing is held in Hawaii and civil appeal follows within thirty (30) days. We have families who have been unable to maintain their position as determined by the Hearing Officer because they lack the necessary funds to fight an extended legal battle. This essentially prohibits the full use of due process.

12. *Military Families.*—The large military population with handicapped children in Hawaii is particularly vulnerable. Many students, who were receiving special education and related services on the mainland, are denied services in Hawaii. In our opinion, this is directly attributable to differing opinions regarding an initial evaluation when the child arrives in Hawaii and the meaning and application of "interim" placement.

As requested in your letter, we would like to comment about the needs of Hawaiian/part Hawaiian handicapped students. Thirty-four percent (34%) of the students certified as learning disabled are of Hawaiian/part Hawaiian heritage. Reasons for this are not clear. We urge setting aside specific funds to research the possible causes. Of equal importance to our Hawaiian families is the need for their culture to be better understood by evaluators and teachers. Statistics are attached.

The water separating our islands from the mainland impacts directly on the ease with which technical assistance and the exchange of new information occurs. Additionally, local expertise does not exist in all areas of exceptionality. The time to solicit and coordinate technical assistance plus the necessary dollars for travel over the ocean are part of the problem. The high cost of living directly impacts on professionals who move here. Usually, the salaries are lower than their counterparts on the mainland and the workload is greater not to mention tenure problems.

A second area is the separation of our islands by water. While the distance is much less, the expertise does not seem to be spread evenly. Certainly the resources on neighbor islands are limited and private options in many cases are nonexistent.

It is interesting to note that five out of six people will be disabled at some time in their lives. Again, we would like to thank you for this opportunity to present our views and concerns to you. We are deeply grateful for the past support of PL 94-142. We urge your continued support of funding so that essential services will be continued.

PRELIMINARY ANALYSIS.—1983-84 SCHOOL YEAR

States	Mr	Speech	Ed	Ohi	Ld	Total
1. Alabama	34,259	17,268	4,727	575	24,200	81,029
2. Alaska	306	2,279	240	49	4,972	7,846
3. Arizona	5,624	10,980	5,329	675	25,870	48,478
4. Arkansas	12,978	10,061	603	185	20,540	44,367
5. California	26,969	90,178	8,581	12,845	201,527	340,100
6. Colorado	3,566	7,491	7,662	0	20,101	41,674
7. Connecticut	4,924	13,019	12,755	887	29,083	62,310
8. Delaware	1,113	1,639	2,353	31	6,178	11,487
9. District of Columbia	126	1,471	55	5	1,050	2,803
10. Florida	20,300	48,278	14,537	1,412	58,349	149,669
11. Georgia	25,985	25,678	16,975	261	35,098	106,194
12. Hawaii	1,100	2,283	370	3	7,794	12,093
13. Idaho	2,916	4,419	534	368	8,488	17,578
14. Illinois	31,320	74,333	21,602	1,514	91,470	223,478
15. Indiana	19,979	40,884	2,708	18	29,912	95,430
16. Iowa	12,042	14,506	5,274	199	21,269	55,854
17. Kansas	6,133	12,919	3,818	301	16,416	41,049
18. Kentucky	19,760	24,914	2,148	358	21,346	71,353
19. Louisiana	11,005	21,359	3,684	1,502	40,368	80,582
20. Maine	4,383	6,414	3,648	285	9,417	25,582
21. Maryland	6,820	24,662	3,692	640	47,019	88,164
22. Massachusetts	26,658	28,697	17,194	1,813	45,107	124,786
23. Michigan	16,873	43,149	19,565	4,397	58,889	146,809
24. Minnesota	13,029	19,045	6,681	766	35,598	78,276
25. Mississippi	13,220	17,491	421	0	18,406	50,450
26. Missouri	16,479	31,919	7,363	857	37,061	96,252
27. Montana	1,350	4,752	756	141	7,420	15,059
28. Nebraska	5,412	8,795	2,025		12,046	29,796
29. Nevada	945	2,993	726	266	7,171	12.932
30. New Hampshire	886	2,655	1,052	231	8,818	13,913
31. New Jersey	9,093	60,169	14,641	875	65,557	160,346
32. New Mexico	2,533	7,745	2,440	81	12,064	26,651
33. New York	28,001	34,333	35,102	7,357	131,618	244,965
34. North Carolina	28,505	26,752	5,862	1,150	51,961	117,752
35. North Dakota	1,724	3,860	365	35	4,741	11,049
36. Ohio	46,810	56,196	6,156	3,451	72,476	191,695
37. Oklahoma	11,648	20,350	1,050	212	28,374	63,739
38. Oregon	2,488	12,413	2,164	452	25,493	44,147
39. Pennsylvania	36,575	60,364	12,005	0	64,266	178,319
40. Rhode Island	1,261	3,108	1,156	150	11,844	17,945
41. South Carolina	20,470	19,957	5,817	211	22,379	71,200
42. South Dakota	1,545	5,907	374	56	4,052	12,957
43. Tennessee	18,456	31,427	2,627	1,440	43,348	102,385
44. Texas	24,205	68,314	16,960	5,981	155,067	280,092
45. Utah	2,781	9,005	11,744	207	13,753	39,548
46. Vermont	1,159	2,517	295	81	3,218	7,488
47. Virginia	15,322	30,901	6,741	660	40,110	99,634
48. Washington	7,862	13,513	3,527	1,533	34,019	63,760
49. West Virginia	10,110	12,614	1,619	133	15,704	41,351
50. Wisconsin	12,162	16,610	10,071	496	29,432	71,201
51. Wyoming	796	2,749	893	146	5,318	10,161
52. Guam	756	232	14	2	610	1,649
53. Puerto Rico	20,543	1.406	818	1,915	2,055	34,038
54. Virgin Islands						
55. Am. Samoa	191	4	1,	1		229
56. BIA	619	1,274	211	21	2,805	5,225
Total	652,075	1,116,251	319,731	57,230	1,791,247	4,099,100

PRELIMINARY ANALYSIS.—1982–83 SCHOOL YEAR

States	Mr	Speech	Ed	Ohi	Ld	Total
1. Alabama	34,986	16,235	6,115	401	20,899	78,636
2. Alaska	665	3,374	362	58	6,826	11,285
3. Arizona	6,002	11,195	5,286	662	25,710	48,855
4. Arkansas	16,013	10,493	608	249	19,436	46,799
5. California	28,580	92,056	9,457	14,071	198,696	342,860
6. Colorado	5,795	7,796	7,596	0	19,654	40,841
7. Connecticut	6,208	13,896	13,089	918	29,352	63,463
8. Delaware	2,115	1,747	2,943	125	6,670	13,600
9. District of Columbia	1,237	1,780	697	67	1,629	5,410
10. Florida	27,537	46,256	17,077	1,569	58,105	150,544
11. Georgia	28,214	26,782	17,412	696	35,722	108,826
12. Hawaii	9,514	1,962	438	9	89	15,112
13. Idaho	2,948	4,350	518	423	8,233	16,472
14. Illinois	44,501	75,784	31,670	1,721	96,805	250,481
15. Indiana	24,189	41,360	2,775	282	27,434	96,040
16. Iowa	12,228	14,656	4,749	207	21,340	53,180
17. Kansas	6,779	14,274	4,323	51	16,190	41,617
18. Kentucky	21,741	24,922	2,356	608	20,064	69,691
19. Louisiana	15,742	20,701	4,225	1,769	39,707	82,144
20. Maine	5,167	6,136	4,225	251	8,974	24,753
21. Maryland	7,943	24,209	3,596	560	48,366	84,674
22. Massachusetts	29,357	31,848	18,970	1,939	48,884	130,998
23. Michigan	26,971	44,081	20,400	10	55,467	146,929
24. Minnesota	13,789	19,013	5,855	866	34,748	74,271
25. Mississippi	15,155	16,797	420	1	16,714	49,087
26. Missouri	19,530	33,202	7,017	704	36,224	96,677
27. Montana	1,515	4,790	683	127	7,208	14,323
28. Nebraska	5,669	9,246	1,887	0	12,227	29,029
29. Nevada	1,047	3,232	790	342	7,041	12,452
30. New Hampshire	1,419	2,325	1,197	226	8,220	13,387
31. New Jersey	12,463	61,280	15,254	1,508	62,736	153,241
32. New Mexico	2,782	6,789	2,164	95	12,237	24,067
33. New York	37,810	41,661	44,225	5,913	116,753	246,362
34. North Carolina	33,240	25,808	5,599	1,186	49,019	114,852
35. North Dakota	1,920	3,600	297	113	4,340	10,270
36. Ohio	56,802	56,932	6,302	0	72,031	192,067
37. Oklahoma	12,582	20,389	1,039	228	28,625	62,863
38. Oregon	4,781	11,614	2,565	569	23,459	42,988
39. Pennsylvania	46,402	61,684	16,659	8	63,413	188,166
40. Rhode Island	1,498	3,337	1,147	210	11,729	17,921
41. South Carolina	22,404	19,596	5,710	150	20,930	68,790
42. South Dakota	1,481	5,413	320	60	3,563	10,837
43. Tennessee	20,245	32,996	2,853	1,452	42,804	100,350
44. Texas	30,769	66,544	17,707	5,465	150,768	271,253
45. Utah	3,159	8,375	10,623	234	13,611	36,002
46. Vermont	2,563	2,695	393	116	2,973	8,740
47. Virginia	16,878	30,703	6,723	469	38,614	93,387
48. Washington	9,400	13,511	3,949	1,536	31,286	59,682
49. West Virginia	11,066	12,774	1,412	923	14,719	40,894
50. Wisconsin	13,232	17,991	9,593	505	27,218	68,539
51. Wyoming	943	3,184	978	227	5,095	10,427
52. Guam	913	243	63	12	530	1,761
53. Puerto Rico	21,159	1,206	795	2,099	1,852	27,111
54. Virgina Islands	626	245	35	0	220	1,126
55. Am. Samoa	161	50	0	2	1	214
56. BIA	723	1,047	251	33	2,531	4,585
Total	780,558	1,145,360	353,392	52,025	1,745,791	4,077,126

NUMBER OF CHILDREN AGES 3–21 YEARS SERVED UNDER PUBLIC LAW 89–313 AND PUBLIC LAW 94–142 BY HANDICAPPING CONDITION—DURING SHOOL YEAR 1981–82

State	Speech impaired	Learning disabled	Mentally retarded	Emotionally disturbed	Other health impaired	Othopedically impaired	Multi-handicapped	Deaf and hard of hearing	Visually handicapped	Deaf and blind	Total
Alabama	14,924	19,868	34,402	3,080	388	357	1,053	1,057	413	55	76,397
Alaska	3,010	6,135	780	316	61	198	190	244	51	22	11,007
Arizona	11,527	25,376	6,270	5,148	700	903	777	1,036	400	0	52,137
Arkansas	10,976	18,539	17,244	633	259	417	770	695	310	20	49,863
California	92,594	190,727	29,874	9,163	15,[illegible]2	7,298	5,445	7,213	2,341	203	359,888
Colorado	8,303	20,937	6,041	7,358	0	835	1,242	1,030	333	68	46,147
Connecticut	13,996	29,409	7,001	12,328	1,022	478	0	1,219	693	5	66,311
Delaware	2,191	6,520	2,140	2,807	56	288	4	253	142	39	14,440
District of Columbia	1,252	1,916	1,289	685	117	99	203	490	54	24	6,129
Florida	43,530	55,702	25,963	14,931	2,342	1,973	2,371	2,065	787	94	149,838
Georgia	28,806	35,274	29,110	16,523	1,469	653	1,011	2,034	838	61	115,770
Hawaii	1,728	7,897	1,674	447	0	257	101	405	73	26	12,678
Idaho	4,067	8,222	2,795	543	382	338	222	404	164	17	17,154
Illinois	77,335	87,718	43,707	31,700	3,088	4,584	1,512	4,160	1,803	108	255,795
Indiana	40,727	25,126	25,092	2,539	295	808	1,186	1,324	520	30	97,647
Iowa	15,218	22,347	12,238	4,127	185	800	701	1,009	229	40	56,894
Kansas	13,576	15,809	6,966	3,614	478	304	746	758	265	28	42,544
Kentucky	24,528	18,127	22,717	2,193	853	657	1,200	1,125	524	133	72,057
Louisiana	20,970	34,354	16,927	4,643	1,333	536	9[illegible]8	1,681	422	75	81,879
Maine	6,055	8,349	5,019	4,317	341	446	788	473	142	17	25,947
Maryland	25,053	49,171	9,059	3,444	448	923	2,935	1,595	6.04	54	93,296
Massachusetts	32,175	49,382	29,656	19,165	1,957	1,538	3,074	1,889	758	143	139,747
Michigan	45,361	52,311	28,150	19,293	9	4,575	349	3,104	909	0	154,061
Minnesota	19,321	35,249	14,289	5,013	904	1,299	0	1,468	422	41	77,916
Mississippi	16,207	14,453	16,828	397	0	395	247	646	258	43	49,456
Missouri	32,722	36,155	21,066	7,136	699	942	53.	1,214	401	65	100,931
Montana	4,475	6,497	1,449	559	103	88	640	253	177	28	14,279
Nebraska	9,626	12,422	6,191	1,761	0	520	347	734	211	0	31,812
Nevada	2,924	6,672	1,211	541	266	214	352	193	82	1	12,456
New Hampshire	2,221	8,001	1,660	1,209	189	166	141	368	2,7	7	14,179
New Jersey	63,752	59,251	14,794	15,529	1,477	1,422	3,736	2,324	1,355	46	163,686
New Mexico	5,307	12,319	2,805	1,938	87	337	1,054	412	149	36	24,454
New York	40,883	69,380	40,541	47,933	33,057	5,747	6,171	4,631	1,839	113	259,404
North Carolina	25,644	45,448	36,788	5,010	1,094	1,054	1,991	2,299	681	32	120,041
North Dakota	3,281	4,137	1,939	328	56	165	0	209	78	21	10,212
Ohio	62,112	71,857	61,279	6,135	0	3,346	2,147	2,560	964	145	210,445

TABLE 1.—NUMBER AND CHANGE IN NUMBER OF CHILDREN AGES 3-21 YEARS SERVED UNDER PUBLIC LAW 98-313 AND PUBLIC LAW 94-142 ANNUALLY SINCE SCHOOL YEAR 1976-77

State	Mentally retarded						
	1976-77	1977-78	1978-79	1979-80	1980-81	1980-81—1978-77	Percent change 1980-81—1976-77
Alabama	31,203	31,990	33,923	35,127	34,840	3,638	+11.7
Alaska	1,277	1,294	1,051	906	734	-543	-42.5
Arizona	8,608	7,879	7,238	6,879	6,592	-2,016	-23.4
Arkansas	14,674	16,489	17,703	17,433	17,449	2,775	+18.9
California	42,916	40,768	41,023	39,810	38,947	-3,969	-09.2
Colorado	10,077	8,235	8,259	6,808	6,423	-3,654	-36.3
Connecticut	10,132	10,330	8,954	8,212	7,940	-2,192	-21.6
Delaware	3,199	3,264	2,839	2,629	2,405	-794	-24.8
District of Columbia	2,918	1,695	1,882	1,309	1,318	-1,600	-54.8
Florida	34,311	33,844	31,990	29,973	27,978	-6,333	-18.5
Georgia	31,744	30,478	31,214	30,274	30,021	-1,723	-05.4
Hawaii	2,434	2,478	2,465	2,120	1,807	-627	-25.8
Idaho	3,567	3,642	3,721	3,021	2,759	-808	-22.7
Illinois	48,974	50,022	46,977	50,770	46,058	-2,918	-06.0
Indiana	27,754	28,085	28,269	27,165	26,686	-1,118	-04.0
Iowa	12,663	12,825	12,788	12,955	12,643	-20	-00.2
Kansas	8,565	9,141	73,940	7,780	7,413	-1,252	-14.4
Kentucky	22,872	23,138	23,060	23,321	23,193	322	+01.4
Louisiana	24,547	24,537	22,661	20,713	19,164	-5,383	-22.0
Maine	5,664	5,311	5,467	5,293	5,200	-464	-08.2
Maryland	17,523	15,311	12,134	11,870	11,060	-6,463	-36.9
Massachusetts	34,972	31,380	26,671	26,822	26,834	-8,133	-23.3
Michigan	34,715	34,054	32,921	31,188	29,882	-4,833	-14.0
Minnesota	15,140	15,812	14,973	14,894	14,098	-1,042	-06.9
Mississippi	15,437	16,365	15,330	18,720	18,593	3,106	+20.1
Missouri	25,304	23,539	24,717	23,192	22,076	-3,228	-12.8
Montana	2,114	2,167	2,126	1,780	1,615	-499	-23.8

Statistical Information Regarding Hawaiian and Part Hawaiian School Age Children

Public school students ages 5-12—Statewide total	98,924
Public school students ages 12-18 (grades 7-12)—Statewide total	73,602
Public school students, ages 5-12—Statewide total:	
Hawaiian (2 percent)	2,097
Part Hawaiian (18 percent)	18,005
Public school students, ages 12-18—Statewide total:	
Hawaiian (2 percent)	1,692
Part Hawaiian (18 percent)	13,504
Combined data ages 5-18:	
Hawaiian (4 percent)	3,789
Part Hawaiian (37 percent)	31,509
A. Juvenile Delinquency—children ages 5-12 years [2]:	
Total number of arrests for the State	723
Total number of Hawaiian/part Hawaiian arrests	218
B. Youth ages 12-18 years [3]:	
Total number of arrests for the State	8,591
Total number of arrests for Hawaiian/part Hawaiian	3,247
Total number of arrests for the city/county Honolulu	5,679
Total number of arrests for Hawaiian/part Hawaiian	2,233
C. Combined data ages 5-18:	
Total number of arrests for the State	9,314
Total number of arrests for Hawaiian/part Hawaiian	3,465

[1] Sources: DOE 80-81, 81-92.

[2] Source: Honolulu Police Department (1980), excludes Maui and Kauia Counties.

[3] Source: Data from Honolulu, Hawaii, Maui, and Kauai police departments (1981).

DROPOUTS

21% (15,196) of the public school secondary students (81-82) were H/PH, even though the H/PH youth accounted for 30% (34,166) of the total target population. Many of the H/PH youth are in private school or have graduated, but this great discrepency in figures probably points to a dropout problem, Alu Like estimates, from studies done by various Hawaiian agencies, there are about one thousand (1000) H/PH youngsters who have dropped out of school. The DOE does not keep up-to-date statistics on this problem so the figures are difficult to pin down and verify.

Source: "*Hawaii Basic Data and Information Book on Youth*" (January 1983).